

**Chapter 8.08**  
**Solid Waste and Sludge**

(Chapter 8.08, Solid Waste and Sludge, Res., July 15, 1963, vol. 12, p. 207; Res. 536[a], April 15, 1968, vol. 13, p. 41; Res. 782, May 18, 1970, vol. 13, p. 308; Res. 783, June 1, 1970, vol. 13, p. 309; and, Res. 1332, December 9, 1974, vol. 15, p. 174, superseded by chapter 8.08A, Solid Waste Regulations, Res. HD-01-92, January 13, 1992.)

**Chapter 8.08A**  
**Solid Waste Regulations<sup>6</sup>**

(Chapter 8.08A, Solid Waste Regulations, Res. HD-01-92, January 13, 1992, superseded by chapter 8.08B, Solid Waste Handling Regulations, Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04)

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<sup>6</sup> Chapter 8.08A was formerly titled “Garbage and Refuse” and “Solid Waste and Sludge” and codified as ICC chapter 8.08.

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## **SOLID WASTE HANDLING REGULATIONS**

**8.08B.010**

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### **8.08B.010 Authority**

These local standards are adopted under the authority of chapters 70.05 and 70.95 Revised Code of Washington (RCW) and 173-350 Washington Administrative Code (WAC), Solid Waste Handling Standards, to protect the public health and the environment, and promote the safety and welfare of the citizens of Island County.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.020 Applicability**

These regulations apply to Solid Waste, as the term is defined in ICC 8.08B.030, generated or disposed of within Island County. Land Use regulations under Title 17 of the Island County Code (ICC) may further regulate these activities. This chapter does not apply to the following:

- A. Overburden from mining operations intended for return to the mine;
- B. Wood Waste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;
- C. Wood Waste directly resulting from the harvesting of timber left at the point of generation and subject to chapter 76.09 RCW, Forest practices;
- D. Land application of manures and Crop Residues at Agronomic Rates;
- E. Home Composting as defined in ICC 8.08B.030;
- F. Single-family residences and single-family farms whose year round occupants engage in Solid Waste Disposal regulated under WAC 173-351-700(4);
- G. Clean Soils and Clean Dredged Material as defined in ICC 8.08B.030;
- H. Dredged material as defined in 40 CFR 232.2 that is subject to:
  - 1. The requirements of a permit issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);
  - 2. The requirements of a permit issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or
  - 3. In the case of U.S. Army Corps of Engineers civil works projects, the administrative equivalent of the permits referred to in (1) and (2) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2, and 337.6;
- I. Biosolids that are managed under chapter 173-308 WAC, Biosolids management;
- J. Domestic Septage taken to a sewage Treatment plant permitted under chapter 90.48 RCW, Water pollution control;
- K. Liquid Wastes, the discharge or potential discharge of which, is regulated under federal, state or local water pollution permits;
- L. Domestic Wastewater Facilities and Industrial Wastewater Facilities otherwise regulated by federal, state, or local water pollution permits;

## **SOLID WASTE HANDLING REGULATIONS**

**8.08B.020**

- M. Dangerous Wastes fully regulated under chapter 70.105 RCW, Hazardous waste management, and chapter 173-303 WAC, Dangerous waste regulations;
- N. Special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards;
- O. PCB Wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:
  - 1. PCB household Waste; and
  - 2. PCB bulk product Wastes identified in 40 CFR Part 761.62 (b)(1) that are Disposed of in Limited Purpose Landfills;
- P. Radioactive Wastes, defined by chapter 246-220 WAC, Radiation protection -- General provisions, and chapter 246-232 WAC, Radioactive protection -- Licensing applicability;
- Q. Landfilling of Municipal Solid Waste regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills;
- R. Drop boxes used solely for collecting Recyclable Materials;
- S. Intermodal Facilities as defined in ICC 8.08B.030; and
- T. Solid Waste Handling Facilities that have engaged in Closure and closed before the effective date of this chapter.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.030 Definitions**

As used in this chapter, the following terms, unless the context otherwise requires, have the meanings given below.

**“Active Area”** means that portion of a Facility where Solid Waste Recycling, reuse, Treatment, Storage, or Disposal operations are being, are proposed to be, or have been conducted. Setbacks shall not be considered part of the Active Area of a Facility.

**“Administrative Penalty”** means a fine imposed by the Health Officer against a Person in violation of a provision of this chapter.

**“Agricultural Composting”** means Composting of Agricultural Waste as an integral component of a system designed to improve soil health and recycle Agricultural Wastes. Agricultural Composting is conducted on lands used for farming.

**“Agricultural Wastes”** means Wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

**“Agronomic Rates”** means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or Surface Water as established under chapter 90.48 RCW, Water pollution control and related rules including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington.

**“Air Quality Standard”** means a standard set for maximum allowable Contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air pollution sources.

**“Asbestos”** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

**“Asbestos-Containing Material”** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

**“Asbestos-Containing Waste Material”** means any Waste that contains or is Contaminated with Asbestos-Containing Material. Asbestos-Containing Waste Material includes Asbestos Waste from control equipment, materials used to enclose the work area during an Asbestos project, Asbestos-Containing Material collected for Disposal, Asbestos-Contaminated Waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-Containing Waste Material does not include samples of Asbestos-Containing Material taken for testing or enforcement purposes.

**“Below Ground Tank”** means a device meeting the definition of "Tank" in this chapter where a portion of the Tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface of the Tank that is in the ground.

**“Beneficial Use”** means the use of Solid Waste as an ingredient in a manufacturing process, or as an effective substitute for natural or Commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of Processing or Disposal cost alone does not constitute Beneficial Use.

**“Biomedical Control Staff/Committee”** shall mean those individuals designated by a Biomedical Waste Generator or a Biomedical Waste Storage/Treatment Operator whose responsibility includes but is not limited to developing and maintaining the Biomedical Waste Generator’s or Biomedical Waste Storage/Treatment Operator’s Biomedical Waste management plan.

**“Biomedical Waste”** means, and is limited to, the following types of Waste:

1. **“Animal Waste”** is Waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
2. **“Biosafety Level 4 Disease Waste”** is Waste Contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.
3. **“Cultures and Stocks”** are Wastes infectious to humans and include specimen cultures, cultures and stocks of etiologic agents, Wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory Waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such Waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
4. **“Human Blood and Blood Products”** is discarded Waste human blood and blood components, and materials containing free-flowing blood and blood products.
5. **“Pathological Waste”** is Waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological Waste does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
6. **“Sharps Waste”** is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

**“Biomedical Waste Generator”** shall include any producer of Biomedical Waste to include without limitation the following categories: general acute care hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes, or other similar facilities.

**“Biomedical Waste Storage/Treatment Operator”** shall mean a Person who Stores and/or Treats Biomedical Waste if required by this section, and who is not a Biomedical Waste Generator.

**“Biomedical Waste Transporter”** shall mean a Person who transports Biomedical Waste over the highways in quantity equal to or exceeding one hundred (100) pounds per month.

**“Biomedical Waste Treatment”** shall include Biomedical Waste Treatment through:

1. **Steam Sterilization** by heating in a steam sterilizer so as to kill all microbiological agents as determined by chemical and biological indicator monitoring requirements.
2. **Incineration** is to be conducted at sufficient temperatures and for sufficient duration that all combustible material is reduced to ash; that no unburned combustible material is evident in the ash.
3. Other Treatment approved by the Health Officer.

**“Biosolids”** means municipal Sewage Sludge that is a primarily organic, semisolid product resulting from the wastewater Treatment process, that can be beneficially Recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management. Biosolids includes a material derived from Biosolids and septic Tank sludge, also known as septage, that can be beneficially Recycled and meets all applicable requirements under chapter 173-308 WAC, Biosolids management.

**“Board of Health”** shall mean the Board of Health of Island County pursuant to the provisions of section 70.06.020, Revised Code of Washington.

**“Buffer”** means a permanently vegetated strip adjacent to an application area, the purpose of which is to filter Runoff or overspray from the application area and protect an adjacent area.

**“Bulky Waste”** shall include any large items of refuse, such as appliances, furniture, and other oversize Wastes which would typically not fit into Reusable or Disposable Containers.

**“City”** means any incorporated City or town within Island County.

**“Clean Soils and Clean Dredged Material”** means soils and dredged material which are not Dangerous Wastes, Contaminated Soils, or Contaminated Dredged Material as defined in this section.

**“Closure”** means those actions taken by the owner or operator of a Solid Waste Handling Facility to cease Disposal operations or other Solid Waste Handling activities, to ensure that all such Facilities are closed in conformance with applicable regulations at the time of such Closures and to prepare the site for the post-Closure period.

**“Closure Plan”** means a written plan developed by an owner or operator of a Facility detailing how a Facility is to close at the end of its active life.



**Commercial**” shall include activities of, in, or, relating to commerce and/or activities related to a business, profession, or other endeavor having financial gain as an object.

**“Compliance Schedule”** shall include a written schedule of required measures in a Permit including an enforceable sequence leading to compliance with these regulations.

**“Composted Material”** means organic Solid Waste that has undergone biological degradation and transformation under controlled conditions designed to promote aerobic decomposition at a Solid Waste Facility in compliance with the requirements of this chapter. Natural decay of organic Solid Waste under uncontrolled conditions does not result in Composted Material.

**“Composting”** means the biological degradation and transformation of organic Solid Waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic Solid Waste under uncontrolled conditions is not Composting.

**“Conditionally Exempt Small Quantity Generator (CESQG)”** means a Dangerous Waste Generator whose Dangerous Wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the Waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

**“Conditionally Exempt Small Quantity Generator (CESQG) Waste”** means Dangerous Waste generated by a Conditionally Exempt Small Quantity Generator.

**“Construction/Demolition Debris”** means Solid Waste consisting of any material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

**“Container”** means a portable device used for the collection, Storage, and/or transportation of Solid Waste including, but not limited to, Reusable Containers, Disposable Containers, and Detachable Containers.

**“Contaminant”** means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than Natural Background levels.

**“Contaminate”** means the release of Solid Waste, Leachate, or gases emitted by Solid Waste, such that contaminants enter the environment at concentrations that pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.

**“Contaminated Dredged Material”** means dredged material resulting from the dredging of Surface Waters of the state where Contaminants are present in the dredged material at concentrations not suitable for open water Disposal and the dredged material is not Dangerous Waste and is not regulated by section 404 of the Federal Clean Water Act (P.L. 95-217).

**“Contaminated Soils”** means soils removed during the cleanup of a hazardous Waste site, or a Dangerous Waste Facility Closure, corrective actions or other clean-up activities and which contain harmful substances but are not designated Dangerous Wastes.

**Corrosion Expert** means a Person certified by the National Association of Corrosion Engineers (NACE) or a registered professional engineer who has certification or licensing that includes education and experience in corrosion control.

**“Crop Residues”** means vegetative material leftover from the harvesting of crops, including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does not include food Processing Waste.

**“Dangerous Wastes”** means any Solid Waste designated as dangerous waste by Ecology under chapter 173-303 WAC, Dangerous waste regulations.

**“Detachable Containers”** means Reusable Containers that are mechanically loaded or handled, such as a dumpster or drop box.

**“Disposable Containers”** means Containers that are used once to handle Solid Waste, such as plastic bags, cardboard boxes and paper bags.

**“Disposal”** or **“Deposition”** means the discharge, deposit, injection, dumping, leaking, or placing of any Solid Waste into or on any land or water.

**“Domestic Septage”** means Class I, II or III Domestic Septage as defined in chapter 173-308 WAC, Biosolids management.

**“Domestic Wastewater Facility”** means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial Waste as may be present.

**“Drop Box Facility”** means a Facility used for the placement of a Detachable Container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop Box Facilities normally serve the general public with loose loads and receive Waste from off-site.

**“Ecology”** means the Washington State Department of Ecology.

**“Energy Recovery”** means the recovery of energy in a useable form from mass burning or refuse-derived fuel Incineration, Pyrolysis or any other means of using the heat of combustion of Solid Waste that involves high temperature (above twelve hundred degrees Fahrenheit) Processing.

**“Facility”** means all contiguous land (including Buffers and Setbacks) and structures, other appurtenances, and improvements on the land used for Solid Waste Handling.

**“Facility Construction”** means the continuous on-site physical act of constructing Solid Waste Handling Unit(s) or when the owner or operator of a Facility has entered into contractual obligations for physical construction of the Facility that cannot be canceled or modified without substantial financial loss.

**“Facility Structures”** means constructed infrastructure such as buildings, sheds, utility lines, and piping on the Facility.

**“Garbage”** means animal and vegetable Waste resulting from the handling, Storage, sale, preparation, cooking, and serving of foods.

**“Ground Water”** means that part of the subsurface water that is in the Zone of Saturation.

**“Hazardous Substance”** shall include any Liquid, solid, gas, or sludge, including any material, substances, products, commodity, or Waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous Waste as described in rules adopted under section 70.105.220 RCW.

**“Health Department”** shall mean the Island County Health Department.

**“Health Officer”** shall mean the Island County Health Officer or his or her authorized representative.

**“Home Composting”** means the non-Commercial Composting of on-site generated Wastes, and incidental materials beneficial to the Composting process, by the owner or Person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

**“Household Hazardous Wastes”** means any Waste which exhibits any of the properties of Dangerous Wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the Waste is generated by households. Household Hazardous Waste can also include other Solid Waste identified in the local hazardous waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

**“Improper Storage”** means Storage of a Person’s Solid Waste on their own property that results in or has the potential to result in Vector access, Litter, Nuisance Odors, or poses a threat to human health or the environment, often stemming from inadequate Containers.

**“Incineration”** means reducing the volume of Solid Wastes by use of an enclosed device using controlled flame combustion.

**“Incompatible Waste”** means a Waste that is unsuitable for mixing with another Waste or material because the mixture might produce excessive heat or pressure, fire or explosion, violent reaction, Toxic dust, fumes, mists, or gases, or flammable fumes or gases.

**“Industrial Solid Wastes”** means Solid Waste generated from manufacturing operations, food Processing, or other industrial processes.

**“Industrial Wastewater Facility”** means all structures, equipment, or processes required to collect, carry away, Treat, reclaim, or Dispose of industrial wastewater.

**“Inert Waste”** means Solid Wastes that meet the criteria for Inert Waste in ICC 8.08B.

**“Inert Waste Landfill”** means a Landfill that receives only Inert Wastes.

**“Intermediate Solid Waste Handling Facility”** means any intermediate use or Processing site engaged in Solid Waste Handling which is not the final site of Disposal. This includes Material Recovery Facilities, Transfer Stations, Drop Box Facilities and baling and compaction sites.

**“Intermodal Facility”** means any Facility operated for the purpose of transporting closed Containers of Waste and the Containers are not opened for further Treatment, Processing or consolidation of the Waste.

**“Junk Vehicle,”** pursuant to section 46.55.010 RCW, means any vehicle meeting at least three of the following requirements:

1. Is apparently inoperable;
2. Is three years old or older;
3. Is extensively damaged, including but not limited to any of the following: a damaged window or windshield, or missing wheels, tires, motor, or transmission;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

**“Laboratory”** shall include a room or building equipped for scientific experimentation, research, testing, or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.

**“Land Application Site”** means a contiguous area of land under the same ownership or operational control on which Solid Wastes are beneficially utilized for their agronomic or soil-amending capability.

**“Land Reclamation”** means using Solid Waste to restore drastically disturbed lands including, but not limited to, construction sites and surface mines. Using Solid Waste as a component of fill is not Land Reclamation.

**“Landfill”** means a Disposal Facility or part of a Facility at which Solid Waste is permanently placed in or on land including Facilities that use Solid Waste as a component of fill.

**“Leachate”** means water or other Liquid within a Solid Waste Handling Unit that has been Contaminated by dissolved or suspended materials due to contact with Solid Waste or gases.

**“Limited Moderate Risk Waste”** means Waste batteries, Waste oil, and Waste antifreeze generated from households.

**“Limited Moderate Risk Waste Facility”** means a Facility that collects, stores, and consolidates only limited Moderate Risk Waste.

**“Limited Purpose Landfill”** means a Landfill which is not regulated or permitted by other state or federal environmental regulations that receives Solid Wastes limited by type or source. Limited Purpose Landfills include, but are not limited to, Landfills that receive segregated industrial Solid Waste, construction, demolition and landclearing debris, Wood Waste, ash (other than special incinerator ash), and dredged material. Limited Purpose Landfills do not include Inert Waste Landfills, Municipal Solid Waste Landfills regulated under chapter 173-351 WAC, Criteria for municipal solid waste landfills, Landfills disposing of special incinerator ash regulated under chapter 173-306 WAC, Special incinerator ash management standards, Landfills regulated under chapter 173-303 WAC, Dangerous waste regulations, or chemical Waste Landfills used for the Disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

**“Liquid”** means a substance that flows readily and assumes the form of its Container but retains its independent volume.

**“Liquid Waste”** means any Solid Waste which is deemed to contain free Liquids as determined by the Paint Filter Liquids Test, Method 9095, in *"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"* EPA Publication SW-846.

**“Litter”** shall mean Solid Waste less than one (1) cubic foot in volume that is deposited in an unapproved manner and/or location, excepting where either the material itself or the manner of deposition poses a threat to the health of the public or the environment.

**“Local Fire Control Agency”** means a public or private agency or corporation providing fire protection such as a local Fire Department, the Department of Natural Resources or the United States Forest Service.

**“Lower Explosive Limits”** means the lowest percentage by volume of a mixture of explosive gases that will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

**“Major Illegal Dumping Offense”** shall mean depositing more than three (3) cubic feet of Solid Waste or depositing material of any quantity in an unapproved manner such that either the material itself or the manner of deposition poses a threat to the health of the public or the environment, including but not limited to Dangerous Wastes, Hazardous Substances, Incompatible Waste, Biomedical Waste, Junk Vehicles, Toxic material, and Waste Tires.

**“Material Recovery Facility”** means any Facility that collects, compacts, repackages, sorts, or processes for transport source separated Solid Waste for the purpose of Recycling.

**“Minor Illegal Dumping Offense”** shall mean depositing no more than three (3) cubic feet of Solid Waste in an unapproved manner and/or location, excepting where either the material itself or the manner of deposition poses a threat to the health of the public or the environment.

**“Mobile Systems and Collection Events”** means activities conducted at a temporary location to collect Moderate Risk Waste.

**“Moderate Risk Waste (MRW)”** means Solid Waste that is limited to Conditionally Exempt Small Quantity Generator (CESQG) Waste and Household Hazardous Waste (HHW) as defined in this chapter.

**“MRW Facility”** means a Solid Waste Handling Unit that is used to collect, Treat, recycle, exchange, Store, consolidate, and/or transfer Moderate Risk Waste. This does not include Mobile Systems and Collection Events or Limited MRW Facilities that meet the applicable terms and conditions of ICC 8.08B.220 (2) or (3).

**“Municipal Solid Waste (MSW)”** means a subset of Solid Waste which includes unsegregated Garbage, refuse and similar Solid Waste material discarded from residential, Commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid Waste that has been segregated by source and characteristic may qualify for management as a non-MSW Solid Waste, at a Facility designed and operated to address the Waste's characteristics and potential environmental impacts. The term MSW does not include:

- Dangerous Wastes other than Wastes excluded from the requirements of chapter 173-303 WAC, Dangerous waste regulations, in WAC 173-303-071 such as Household Hazardous Wastes;
- Any Solid Waste, including Contaminated Soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup – Model Toxics Control Act, chapter 173-340 WAC, Model Toxics Control Act – cleanup, or a remedial action taken under those rules; nor
- Mixed or segregated Recyclable Material that has been Source-Separated from Garbage, refuse and similar Solid Waste. The residual from Source Separated recyclables is MSW.

**“Natural Background”** means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are Natural Background. In addition, low concentrations of other persistent substances due solely to the global use or formation of these substances are Natural Background.

**“Non-Conforming Site”** shall include a Solid Waste Handling Facility which does not currently comply with the Facility requirements of WAC 173-304-400 but does comply with a Compliance Schedule issued in a Solid Waste Permit by the Health Department.

**“Nuisance”** shall mean unlawfully doing an act, or failing to perform an act, which act or omission either unreasonably annoys or injures or unreasonably endangers the comfort, repose, health, or safety of others, or unlawfully interferes with, obstructs, or could obstruct any navigable waterway or any publicly traveled place, or unreasonably renders other Persons, acting in good faith, insecure in their actions of the use of their property.

**“Nuisance Odor”** means any odor which is found offensive or may unreasonably interfere with any Person's health, comfort, or enjoyment beyond the property boundary of a Facility.

**“Open Burning”** means the burning of Solid Waste materials in an open fire or an outdoor Container without providing for the control of combustion or the control of emissions from the combustion.

**“Overburden”** means the earth, rock, soil, and topsoil that lie above mineral deposits.

**“Permeability”** means the ease with which a porous material allows Liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeters per second and termed hydraulic conductivity.

**“Permit”** means an authorization issued by the jurisdictional Health Department which allows a Person to perform Solid Waste activities at a specific location and which includes specific conditions for such Facility operations.

**“Person”** means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatever.

**“Pile”** means any non-Containerized accumulation of Solid Waste that is used for Treatment or Storage.

**“Plan of Operation”** means the written plan developed by an owner or operator of a Facility detailing how a Facility is to be operated during its active life.

**“Point of Compliance”** means a point established in the Ground Water by the jurisdictional Health Department as near a possible source of release as technically, hydrogeologically and geographically feasible.

**“Post-Closure”** means the requirements placed upon Disposal Facilities after Closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or Leachate generation).

**“Post-Closure Plan”** means a written plan developed by an owner or operator of a Facility detailing how a Facility is to meet the post-Closure requirements for the Facility.

**“Premises”** means a tract or parcel of land with or without habitable buildings.

**“Private Facility”** means a privately owned Facility maintained on private property solely for the purpose of managing Waste generated by the entity owning the site.

**“Processing”** means an operation to convert a material into a useful product or to prepare it for reuse, Recycling, or Disposal.

**“Product Take-Back Center”** means a retail outlet or distributor that accepts Household Hazardous Waste of comparable types as the products offered for sale or distributed at that outlet.

**“Public Facility”** means a publicly or privately owned Facility that accepts Solid Waste generated by other Persons.

**“Public Nuisance”** or common Nuisance shall be considered as that which is set up, maintained or continued so as to be injurious to the health, or an obstruction to the use of property by interfering with the repose, health, safety or life of any considerable number of Persons.

**“Putrescible Waste”** means Solid Waste which contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

**“Pyrolysis”** means the process in which Solid Wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

**“Recyclable Materials”** means those Solid Wastes that are separated for Recycling or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable material pursuant to the Island County Comprehensive Solid Waste Management Plan.

**“Recycling”** means transforming or remanufacturing Waste materials into usable or marketable materials for use other than Landfill Disposal or Incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

**“Representative Sample”** means a sample that can be expected to exhibit the average properties of the sample source.

**“Reusable Containers”** means Containers that are used more than once to handle Solid Waste, such as Garbage cans.

**“Runoff”** means any rainwater, Leachate or other Liquid that drains over land from any part of the Facility.

**“Run-on”** means any rainwater or other Liquid that drains over land onto any part of a Facility.



**“Scavenging”** means the removal of materials at a Disposal Facility, or Intermediate Solid Waste-Handling Facility, without the approval of the owner or operator and the jurisdictional Health Department.

**“Setback”** means that part of a Facility that lies between the Active Area and the property boundary.

**“Sewage Sludge”** means solid, semisolid, or Liquid residue generated during the Treatment of domestic sewage in a Treatment works. Sewage Sludge includes, but is not limited to, Domestic Septage; scum or solids removed in primary, secondary, or advanced wastewater Treatment processes; and a material derived from Sewage Sludge. Sewage Sludge does not include ash generated during the firing of Sewage Sludge in a Sewage Sludge incinerator or grit and screenings generated.

**“Soil Amendment”** means any substance that is intended to improve the physical characteristics of soil, except Composted Material, Commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food Wastes, food Processing Wastes, and materials exempted by rule of Ecology, such as Biosolids as defined in chapter 70.95J RCW, Municipal sewage sludge – Biosolids, and wastewater, as regulated in chapter 90.48 RCW, Water pollution control.

**“Solid Waste”** and **“Waste”** shall include all putrescible and nonputrescible solid and semisolid Wastes, including but not limited to Garbage, rubbish, ashes, industrial wastes, swill, Construction/Demolition Debris, Junk Vehicles or parts thereof, and discarded commodities. This includes all Liquid, solid, and semisolid materials which are not the primary products of public, private, industrial, Commercial, mining, and agricultural operations. Solid Waste includes but is not limited to Contaminated Soils, Contaminated Dredged Material, Recyclable Materials, sludge from a wastewater Treatment plant, septage from septic Tanks, Wood Waste, Dangerous Waste, Yard Debris, Bulky Waste, and problem wastes.

**“Solid Waste Handling”** means the management, Storage, collection, transportation, Treatment, use, Processing or final Disposal of Solid Wastes, including the recovery and Recycling of materials from Solid Wastes, the recovery of energy resources from such Wastes or the conversion of the energy in such Wastes to more useful forms or combinations thereof.

**“Solid Waste Handling Facility”** shall mean a Facility and/or Person that manages, stores, collects, transports, Treats, utilizes, processes or is a final Disposal site of Solid Waste. This includes the recovery and Recycling of materials from Solid Wastes, the recovery of energy resources from such Wastes or the conversion of the energy in such Wastes to more useful forms or combinations thereof.

**“Solid Waste Handling Unit”** means discrete areas of land, sealed surfaces, liner systems, excavations, Facility Structures, or other appurtenances within a Facility used for Solid Waste Handling.

**“Solid Waste Management”** shall include the systematic administration of activities which provide for the collection, Source Separation, Storage, transportation, transfer, Processing, Treatment, and Disposal of Solid Waste.

**“Source Separation”** means the separation of different kinds of Solid Waste at the place where the Waste originates.

**“Storage”** means the holding of Solid Waste materials for a temporary period.

**“Surface Impoundment”** means a Facility or part of a Facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of Liquids or sludges. The term includes holding, Storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

**“Surface Water”** means all lakes, rivers, ponds, Wetlands, streams, inland waters, salt waters and all other Surface Water and Surface Water courses within the jurisdiction of the state of Washington.

**“Tank”** means a stationary device designed to contain an accumulation of Liquid or semisolid materials meeting the definition of Solid Waste or Leachate, and which is constructed primarily of nonearthen materials to provide structural support.

**“Tipping Floor”** shall include the unloading area for delivering Solid Waste to an incinerator, Transfer Station, resource recovery, or reclamation site.

**“Toxic”** shall mean having the properties to cause or to significantly contribute to death, injury or illness to man or wildlife.

**“Transfer Station”** means a permanent, fixed, supplemental collection and transportation Facility, used by Persons and route collection Vehicles to deposit collected Solid Waste from off-site into a larger transfer Vehicle for transport to a Solid Waste Handling Facility.

**“Treated Wood”** shall include wood of any species that has been chemically impregnated, coated, painted, similarity modified or treated with antimicrobial chemicals.

**“Treatment”** means the physical, chemical, or biological Processing of Solid Waste to make such Solid Wastes safer for Storage or Disposal, amenable for Recycling or Energy Recovery, or reduced in volume.

**“Twenty-Five-Year Storm”** means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.

**“Type 1 Feedstocks”** means source-separated yard and garden Wastes, Wood Wastes, agricultural Crop Residues, wax-coated cardboard, preconsumer vegetative food Wastes, other similar source-separated materials that the jurisdictional Health Department determines to have a comparable low level of risk in Hazardous Substances, human pathogens, and physical Contaminants.

**“Type 2 Feedstocks”** means manure and bedding from herbivorous animals that the jurisdictional Health Department determines to have a comparable low level of risk in Hazardous Substances and physical Contaminants when compared to a Type 1 feedstock.

**“Type 3 Feedstocks”** means meat and postconsumer source-separated food Wastes or other similar source-separated materials that the jurisdictional Health Department determines to have a comparable low level of risk in Hazardous Substances and physical Contaminants, but are likely to have high levels of human pathogens.

**“Type 4 Feedstocks”** means mixed Municipal Solid Wastes, postcollection separated or processed Solid Wastes, Industrial Solid Wastes, industrial biological Treatment sludges, or other similar compostable materials that the jurisdictional Health Department determines to have a comparable high level of risk in Hazardous Substances, human pathogens and physical Contaminants.

**“Universal Wastes”** means Universal Wastes as defined in chapter 173-303 WAC, Dangerous waste regulations. Universal Wastes include, but may not be limited to, Dangerous Waste batteries, mercury-containing thermostats, and Universal Waste lamps generated by fully regulated Dangerous Waste Generators or CESQGs.

**“Unstable Area”** means a location that is susceptible to forces capable of impairing the integrity of the Facility's liners, monitoring system or structural components. Unstable Areas can include poor foundation conditions and areas susceptible to mass movements.

**“Used Oil”** shall include (1) lubrication fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (2) any oil that has been refined from crude oil, used, and as a result of use, has been Contaminated with physical or chemical impurities; and (3) any oil that has been refined from crude oil and, as a consequence of extended Storage, spillage, or Contamination, is no longer useful to the original purchaser.

**“Utilization”** shall include consuming, expending, or exhausting by use, Solid Waste materials.

**“Vector”** means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

**“Vehicle”** shall include every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any Person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**“Vehicle Batteries”** shall include batteries capable for use in any Vehicle, having a core consisting of elemental lead, and a capacity of six or more volts.

**“Vermicomposting”** means the controlled and managed process by which live worms convert organic residues into dark, fertile, granular excrement.

**“Waste Generator”** shall include any individual, business, government agency, or any other organization that generates Waste.

**“Waste Tire Carrier”** shall include a Person who picks up or transports Waste Tires for the purpose of Storage or Disposal. This does not include the following:

1. Any Person transporting five tires or less.
2. Any Person transporting tire-derived products.
3. Any Person transporting used tires back to a retail tire outlet for repair or exchange.
4. Any Person regulated by the utilities and transportation commission.
5. Solid Waste collections operating under a license or franchise from any local government unit and transporting tires as part of Solid Waste Handling activities.
6. The United States, the State of Washington, any county, City, town, or municipality in this state, when involved in the clean up of illegal Waste Tire Piles.
7. Tire retailers associated with retreading facilities who use company-owned Vehicles to transport Waste Tires for the purpose of retreading.

**“Waste Tire Storage Site Owner”** shall mean any Person that owns a Waste Tire Facility with a county Solid Waste Permit.

**“Waste Tires”** means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with section 46.37.425 RCW, are Waste Tires. Waste Tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per section 46.37.425 RCW.

**“Wetlands”** means those areas that are inundated or saturated by surface or Ground Water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**“Wood Derived Fuel”** means wood pieces or particles used as a fuel for Energy Recovery, which contain paint, bonding agents, or creosote. Wood Derived Fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood Treated with other chemical preservatives such as pentachlorophenol, copper naphthanate, or copper-chrome-arsenate.

**“Wood Waste”** means Solid Waste consisting of wood pieces or particles generated as a by-product or Waste from the manufacturing of wood products, construction, demolition, handling and Storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard Waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

**“Yard Debris”** means Solid Waste consisting of plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard Debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

**“Zone of Saturation”** means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

#### **8.08B.040 General Provisions**

- A. State Standards. Solid waste handling standards, WAC 173-350-010 through 990, effective February 10, 2003, and as hereafter amended are adopted by reference.
- B. County Standards. It shall be unlawful for any Person, firm or corporation to carry or transport Solid Waste that originated from outside of Island County into Island County or over the roads of Island County for the purpose of Disposal in Island County, and it shall be further unlawful for any Person, firm or corporation to transport or dispose of Solid Waste that originated inside the boundaries of Island County for Disposal outside the boundaries of Island County unless by authority of an approved interlocal agreement duly executed by responsible parties in the involved jurisdictions.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

#### **8.08B.050 Performance Standards**

The owner or operator of all Solid Waste Facilities subject to this chapter shall:

- A. Design, construct, operate, and close all Facilities in a manner that does not pose a threat to human health or the environment;
- B. Comply with chapter 90.48 RCW, Water pollution control and implementing regulations, including chapter 173-200 WAC, Water quality standards for ground waters of the state of Washington;
- C. Conform to the Island County Comprehensive Solid Waste Management Plan prepared in accordance with chapter 70.95 RCW, Solid waste management – Reduction and Recycling, and/or the local hazardous waste management plan prepared in accordance with chapter 70.105 RCW, Hazardous waste management;

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- D. Not cause any violation of emission standards or ambient Air Quality Standards at the property boundary of any Facility and comply with chapter 70.94 RCW, Washington Clean Air Act; and
- E. Comply with all other applicable local, state, and federal laws and regulations.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.060 Owner Responsibilities for Solid Waste**

- A. The owner, operator, or occupant of any Premises, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the Solid Waste Handling of all Solid Waste including but not limited to Moderate Risk Waste, Toxic Waste and household Waste generated or accumulated on the property.
- B. The Health Officer may require the owner and operator of any business, Commercial, or industrial enterprise to prepare and abide by a Solid Waste Management plan approved by the Health Department when the Health Department reviews land use plans and applications or when a violation of ICC 8.08B has occurred.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.070 Illegal Dumping and Littering**

- A. General.
  - 1. It shall be unlawful for any Person to dump, or deposit, or permit the dumping or depositing of any Solid Waste onto or under the surface of the ground or into the waters of this State, except at an appropriate Solid Waste Handling Facility for which there is a valid Permit. Provided, nothing herein shall prohibit a Person from dumping or depositing Agricultural Waste resulting from his own activities onto or under the surface of ground owned or leased by him/her when such action does not violate any section of this code or any other statute or ordinance, or create a Nuisance.
  - 2. Any person who deposits, permits to be deposited, or causes to be deposited any Solid Waste in any area of Island County, other than in an authorized Solid Waste Handling Facility, Transfer Station, refuse or other Garbage container, or in an authorized manner, shall be subject to penalty under ICC 8.08B.440, Violations and Penalties.
- B. Identification. The Health Officer shall attempt to identify the Person responsible for the illegal dumping or littering of Solid Waste.



- C. Lack of Identification. When the Health Officer investigates a case of unlawful dumping and finds inadequate identification in the Solid Waste or other evidence, he may then order the property owner to remove said Solid Waste and dispose of it at an appropriate Permitted Facility. Where this occurs on private lands, the property owner or occupant shall be responsible for removal. Where this occurs on public land, the appropriate government agency shall be responsible for removal and Disposal.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.080 Permits and Local Ordinances**

A. Permit required.

1. No Solid Waste Storage, Treatment, Processing, Handling or Disposal Facility shall be maintained, established, substantially altered, expanded or improved until the Person operating or owning such site has obtained a Permit or Permit deferral from the Health Department or a Beneficial Use exemption from Ecology pursuant to the provisions of chapter 173-350 WAC. Facilities operating under categorical exemptions established by this chapter shall meet all the conditions of such exemptions or will be required to obtain a Permit under this chapter. Violations of this chapter shall be subject to the penalty provisions of section 70.95.240 RCW and ICC 8.08B.440, Violations and Penalties.
2. Permits issued under this chapter are not required for remedial actions performed by the state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree.
3. The Health Department and Ecology may enter into an agreement providing for the exercise by Ecology of any power that is specified in the contract and that is granted to the Health Department under chapter 70.95 RCW, Solid waste management – Reduction and Recycling. However, the Health Department shall have the approval of the Board of Health before entering into any such agreement with Ecology.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.090 Permit Application and Issuances**

A. Permit application process.

1. Any owner or operator required to obtain a Permit shall apply for a Permit from the Health Department. All Permit application filings shall include two copies of the application. An application shall not be considered complete by the Health Department until the information required under ICC 8.08B.100 has been submitted.



2. The Health Department may establish reasonable fees for Permits, Permit modifications, and renewal of Permits. All Permit fees collected by the Health Department shall be deposited in the account from which the Health Department's operating expenses are paid.
3. Once the Health Department determines that an application for a Permit is complete, it shall:
  - a) Refer one copy to the appropriate regional office of Ecology for review and comment;
  - b) Investigate every application to determine whether the Facilities meet all applicable laws and regulations, conform to the approved comprehensive Solid Waste Management plan and/or the approved hazardous waste management plan, and comply with all zoning requirements; and
4. Once Ecology has received a complete application for review, it shall:
  - a) Ensure that the proposed site or Facility conforms with all applicable laws and regulations including the minimum functional standards for Solid Waste Handling;
  - b) Ensure that the proposed site or Facility conforms to the approved comprehensive Solid Waste Management plan and/or the approved hazardous waste management plan; and
  - c) Recommend for or against the issuance of each Permit by the Health Department within forty-five days of receipt of a complete application.
5. Application procedures for statewide Beneficial Use exemptions and Permit deferrals are contained in ICC 8.08B.130 and ICC 8.08B.090(H), respectively.

**B. Permit issuance.**

1. When the Health Department has evaluated all pertinent information, it may issue or deny a Permit. Every Solid Waste Permit application shall be approved or disapproved within ninety days after its receipt by the Health Department. Every Permit issued by the Health Department shall contain specific requirements necessary for the proper operation of the Permitted site or Facility.
2. Every Permit issued shall be valid for a period not to exceed five years at the discretion of the Health Department.
3. The Health Department shall file all issued Permits with the appropriate regional office of Ecology no more than seven days after the date of issuance.
4. Ecology shall review the Permit in accordance with section 70.95.185 RCW and report its findings to the Health Department in writing within thirty days of Permit issuance.

5. The Health Department is authorized to issue one Permit for a location where multiple Solid Waste Handling activities occur, provided all activities meet the applicable requirements of this chapter.
- C. Permit renewals.
1. Any owner or operator seeking to renew a Permit shall apply for a Permit renewal from the Health Department. All Permit renewal application filings shall include two copies of the application. Prior to renewing a Permit, the Health Department shall conduct a review as it deems necessary to ensure that the Solid Waste Handling Facility or Facilities located on the site continue to:
    - a) Meet the Solid Waste Handling standards of Ecology;
    - b) Comply with applicable local regulations; and
    - c) Conform to the approved Solid Waste Management plan and/or the approved hazardous waste management plan.
  2. The Health Department shall approve or deny a Permit renewal within forty-five days of conducting its review.
  3. Every Permit renewal shall be valid for a period not to exceed five years at the discretion of the Health Department.
  4. Ecology shall review the renewal in accordance with section 70.95.190 RCW and report its findings to the Health Department in writing.
  5. The Board of Health may establish reasonable fees for Permits reviewed under this section. All Permit fees collected by the Health Department shall be deposited in the treasury and to the account from which the Health Department's operating expenses are paid.
- D. Permit modifications. Any significant change to the operation, design, capacity, performance or monitoring of a Permitted Facility may require a modification to the Permit. The following procedures shall be followed by an owner or operator prior to making any change in Facility operation, design, capacity, performance or monitoring:
1. The Facility owner or operator shall consult with the Health Department regarding the need for a Permit modification;
  2. The Health Department shall determine whether the proposed modification is significant. Upon such a determination, the owner or operator shall make application for a Permit modification, using the process outlined in subsections A through C of this section; and
  3. If a proposed change is determined to not be significant and not require a modification to the Permit, Ecology shall be notified.

**E. Inspections.**

1. At a minimum, annual inspections of all Permitted Solid Waste Facilities shall be performed by the Health Department, unless otherwise specified in this chapter.
2. All Facilities and sites shall be physically inspected prior to issuing a Permit, Permit renewal or Permit modification.
3. Any duly authorized representative of the Health Department may enter and inspect any property, Premises or place at any reasonable time for the purpose of determining compliance with this chapter, and relevant laws and regulations. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator.

**F. Permit suspension and appeals.**

1. Any Permit for a Solid Waste Handling Facility shall be subject to suspension at any time the Health Department determines that the site or the Solid Waste Handling Facility is being operated in violation of this chapter.
2. Whenever the Health Department denies a Permit or suspends a Permit for a Solid Waste Handling Facility, it shall:
  - a) Upon request of the applicant or holder of the Permit, grant a hearing on such denial or suspension within thirty days after the request;
  - b) Provide notice of the hearing to all interested parties including the county or City having jurisdiction over the site and Ecology; and
  - c) Within thirty days after the hearing, notify the applicant or the holder of the Permit in writing of the determination and the reasons therefore. Any party aggrieved by such determination may appeal to the Washington State Pollution Control Hearings Board by filing with the Board a notice of appeal within thirty days after receipt of notice of the determination of the Health Officer.
3. If the Health Department denies a Permit renewal or suspends a Permit for an operating Waste Recycling Facility that receives Waste from more than one City or county, and the applicant or holder of the Permit requests a hearing or files an appeal under this section, the Permit denial or suspension shall not be effective until the completion of the appeal process under this section, unless the Health Department declares that continued operation of the Waste Recycling Facility poses a very probable threat to human health and the environment.
4. Procedures for appealing Beneficial Use exemption determinations are contained in ICC 8.08B.130.

**G. Variances.**

1. Any Person who owns or operates a Solid Waste Handling Facility subject to a Solid Waste Permit under ICC 8.08B.080, may apply to the Health Department for a variance from any section of this chapter. No variance shall be granted for requirements specific to chapter 70.95 RCW, Solid waste management – Reduction and Recycling. The application shall be accompanied by such information as the Health Department may require. The Health Department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:
  - a) The Solid Waste Handling practices or location do not endanger public health, safety or the environment; and
  - b) Compliance with the section from which variance is sought would produce hardship without equal or greater benefits to the public.
2. No variance shall be granted pursuant to this section until the Health Department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.
3. Any variance or renewal shall be granted within the requirements of subsections A through C of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:
  - a) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the Health Department may prescribe;
  - b) The Health Department may grant a variance conditioned by a timetable if:
    - (i) Compliance with this chapter will require spreading of costs over a considerable time period; and
    - (ii) The timetable is for a period that is needed to comply with the chapter.
4. An application for a variance, or for the renewal thereof, submitted to the Health Department shall be approved or disapproved by the Health Department within ninety days of receipt unless the applicant and the Health Department agree to a continuance.
5. No variance shall be granted by a Health Department except with the approval and written concurrence of Ecology prior to action on the variance by the Health Department.

**H. Permit deferral.**

1. The Health Department may, at its discretion and with the concurrence of Ecology, waive the requirement that a Solid Waste Permit be issued for a Facility under this chapter by deferring to other air, water or environmental Permits issued for the Facility which provide an equivalent or superior level of environmental protection.
2. The requirement to obtain a Solid Waste Permit from the Health Department shall not be waived for any Transfer Station, Landfill, or incinerator that receives Municipal Solid Waste destined for final Disposal.
3. Any deferral of Permitting or regulation of a Solid Waste Facility granted by Ecology or the Health Department prior to June 11, 1998, shall remain valid and shall not be affected by this subsection.
4. Any Person who owns or operates an applicable Solid Waste Handling Facility subject to obtaining a Solid Waste Permit may apply to the Health Department for Permit deferral. Two copies of an application for Permit deferral shall be signed by the owner or operator and submitted to the Health Department. Each application for Permit deferral shall include:
  - a) A description of the Solid Waste Handling Units for which the Facility is requesting deferral;
  - b) A list of the other environmental permits issued for the Facility;
  - c) A demonstration that identifies each requirement of this chapter and a detailed description of how the other environmental permits will provide an equivalent or superior level of environmental protection;
  - d) Evidence that the Facility is in conformance with the approved comprehensive Solid Waste Management plan and/or the approved hazardous waste management plan;
  - e) Evidence of compliance with chapter 197-11 WAC, Sepa rules; and
  - f) Other information that the Health Department or Ecology may require.
5. The Health Department shall notify the applicant if it elects not to waive the requirement that a Solid Waste Permit be issued for a Facility under this chapter. If the Health Department elects to proceed with Permit deferral, it shall:
  - a) Forward one copy of the complete application to Ecology for review;
  - b) Notify the permit issuing authority for the other environmental permits described in 4(b) of this subsection and allow an opportunity for comment; and
  - c) Determine if the proposed Permit deferral provides an equivalent or superior level of environmental protection.

6. Ecology shall provide a written report of its findings to the Health Department and recommend for or against the Permit deferral. Ecology shall provide its findings within forty-five days of receipt of a complete Permit deferral application or inform the Health Department as to the status with a schedule for its determination.
7. No Solid Waste Permit deferral shall be effective unless Ecology has provided written concurrence. All requirements for Solid Waste Permitting shall remain in effect until Ecology has provided written concurrence.
8. When the Health Department has evaluated all information, it shall provide written notification to the applicant and Ecology whether or not it elects to waive the requirement that a Solid Waste Permit be issued for a Facility under this chapter by deferring to other environmental permits issued for the Facility. Every complete Permit deferral application shall be approved or denied within ninety days after its receipt by the Health Department or the owner or operator shall be informed as to the status of the application with a schedule for final determination.
9. The Health Department shall revoke any Permit deferral if it or Ecology determines that the other environmental permits are providing a lower level of environmental protection than a Solid Waste Permit. The Health Department shall notify the Facility's owner or operator of intent to revoke the Permit deferral and direct the owner or operator to take measures necessary to protect human health and the environment and to comply with the Permit requirements of this chapter.
10. Facilities which are operating under the deferral of Solid Waste Permitting to other environmental permits shall:
  - a) Allow the Health Department, at any reasonable time, to inspect the Solid Waste Handling Units which have been granted a Permit deferral;
  - b) Notify the Health Department and Ecology whenever changes are made to the other environmental permits identified in (4)(b) of this subsection. This notification shall include a detailed description of how the changes will affect the Facility's operation and a demonstration, as described in (4)(c) of this subsection, that the amended permits continue to provide an equivalent or superior level of environmental protection to the deferred Solid Waste Permits. If the amended permits no longer provide an equivalent or superior level of environmental protection, the Facility owner or operator shall close the Solid Waste Handling Unit or apply for a Permit from the Health Department;
  - c) Notify the Health Department and Ecology within seven days of discovery of any violation of, or failure to comply with, the conditions of the other environmental permits identified in (4)(b) of this subsection;

- d) Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st as required under the appropriate annual reporting section of this chapter;
- e) Operate in accordance with any other written conditions that the Health Department deems appropriate; and
- f) Take any measures deemed necessary by the Health Department when the Permit deferral has been revoked.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.100 General Permit Application Contents**

- A. Every Permit application shall be on a format supplied by the Health Department and shall contain the following information:
  - 1. Contact information for the Facility owner, and the Facility operator and property owner if different, including contact name, company name, mailing address, phone fax, and e-mail;
  - 2. Identification of the type of Facility that is to be Permitted;
  - 3. Identification of any other permit (local, state or federal) in effect at the site;
  - 4. A vicinity plan or map (having a minimum scale of 1:24,000) that shall show the area within one mile (1.6 km) of the property boundaries of the Facility in terms of the existing and proposed zoning and land uses within that area, residences, and access roads, and other existing and proposed man-made or natural features that may impact the operation of the Facility;
  - 5. Evidence of compliance with chapter 197-11 WAC, Sepa rules;
  - 6. Information as required under the appropriate Facility Permit application subsection of this chapter; and
  - 7. Any additional information as requested by the Health Department or Ecology.
- B. Engineering plans, reports, specifications, programs, and manuals submitted to the Health Department or Ecology shall be prepared and certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the Solid Waste Facility type or activity.
- C. Signature and verification of applicants:
  - 1. All applications for Permits shall be accompanied by evidence of authority to sign the application and shall be signed by the owner or operator as follows:

- a) In the case of corporations, by a duly authorized principal executive officer of at least the level of vice-president. In the case of a partnership or limited partnership, by a general partner; in the case of sole proprietorship, by the proprietor.
  - b) In the case of a municipal, state, or other government entity, by a duly authorized principal executive officer or elected official.
2. Applications shall be signed or attested to by, or on behalf of, the owner or operator, in respect to the veracity of all statements therein; or shall bear an executed statement by, or on behalf of, the owner or operator to the effect that false statements made therein are made under penalty of perjury.
  3. The signature of the applicant shall be notarized on the Permit application form.
- (Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.110 On-site Storage, Collection, and Transportation Standards and Permits**

- A. On-site Storage, collection and transportation standards – Applicability. This section is applicable to the temporary Storage of Solid Waste in a Container at a Premises, business establishment, or industry and the collecting and transporting of the Solid Waste.
- B. On-site Storage.
  1. The owner or occupant of any Premises, business establishment, or industry shall be responsible for the safe and sanitary Storage of all Containerized Solid Wastes accumulated at those Premises.
  2. The owner, operator, or occupant of any Premises, business establishment, or industry shall store Solid Wastes in Containers that meet the following requirements:
    - a) Disposable Containers shall be sufficiently strong to allow lifting without breakage and shall be thirty-two gallons in capacity or less where manual handling is practiced;
    - b) Reusable Containers, except for Detachable Containers, shall be:
      - (i) Rigid and durable;
      - (ii) Corrosion resistant;
      - (iii) Nonabsorbent and water tight;
      - (iv) Rodent-proof and easily cleanable;
      - (v) Equipped with a close-fitting cover;



- (vi) Suitable for handling with no sharp edges or other hazardous conditions; and
- (vii) Equal to or less than thirty-two gallons in volume where manual handling is practiced.
- c) Detachable Containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and have either a solid cover or screen cover to prevent Nuisance Odors and Litter.
- d) Putrescible Waste shall be removed from the Premises at least once every fourteen (14) days or more often if a Nuisance develops.

C. Collection and transportation standards.

1. All Persons collecting or transporting Solid Waste shall prevent littering at the loading point, during transport and during proper unloading of the Solid Waste.
2. Vehicles or Containers used for the collection and transportation of Solid Waste shall be tightly covered or screened to prevent littering, durable, and of easily cleanable construction. Where Garbage is being collected or transported, Containers shall be cleaned as necessary to prevent Nuisance Odors and insect breeding and shall be maintained in good repair.
3. Vehicles or Containers used for the collection and transportation of any Solid Waste shall be loaded and moved in such manner that the Containers will not fail, and the contents will not spill or leak. Where such spillage or leakage does occur the Waste shall be picked up immediately by the collector or transporter and returned to the Vehicle or Container and the area properly cleaned.
4. All Persons Commercially collecting or transporting Solid Waste shall inspect collection and transportation Vehicles at least monthly. Inspection records shall be maintained at the Facility normally used to park such Vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two years, and be made available upon the request of the Health Department.
5. Dangerous Waste handling must conform to WAC 173-303, Dangerous waste regulations.
6. Biomedical Waste shall be transported over the highways only in a leakproof and fully enclosed Container or Vehicle compartment. Biomedical Waste shall not be transported in the same Vehicle with Other Waste or medical specimens unless the Biomedical Waste is contained in a separate, fully enclosed leakproof Container within the Vehicle compartment. Biomedical Waste shall be delivered only to an

approved Permitted Facility for Treatment or Disposal. Surfaces of Biomedical Waste collection/ transportation Vehicles that have contacted spilled or leaked Biomedical Waste shall be decontaminated as described in this regulation. Biomedical Waste spills should be promptly decontaminated and cleaned.

7. Biomedical Waste Collection/Transportation Vehicles used within Island County shall have a leakproof, fully enclosed Vehicle compartment of a durable and easily cleanable construction and shall be identified on each side of the Vehicle with the name or trademark of the Biomedical Waste Transporter.
- D. Collection/Transportation Vehicle Permit. Collection/transportation companies and municipalities are regulated under chapter 81.77 RCW and/or chapter 173-350 WAC and must obtain a permit from the Utilities and Transportation Commission, if applicable, and the Health Department under section ICC 8.08B.080. It shall be unlawful for any Person to operate a collection/transportation Vehicle without a valid collection Permit from the Health Department. A Collection/Transportation Solid Waste Hauler County Permit shall not be transferable and shall be valid only for the Person, business, municipality, entity or Vehicles for which issued. In accordance with section 70.95.305 RCW, transporters of Solid Waste that is not Dangerous, Biomedical, or Putrescible, are subject solely to the requirements of C(1) through C(4) of this section and are exempt from obtaining a Collection/Transportation Solid Waste Hauler County Permit. An owner or operator that does not comply with the terms and conditions of C(1) through C(4) of this section is required to obtain a Permit from the Health Department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of C(1) through C(4) of this section may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.120 Non-Conforming Solid Waste Handling Facilities**

When a Solid Waste Handling Facility not fully meeting this regulation applies to the Health Department for a Permit, a Permit for a Non-Conforming Site may be issued at the Health Officer's discretion. The conditions of the Permit shall be outlined by the Health Officer and shall include a Compliance Schedule or a Closure schedule as appropriate.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.130 Beneficial Use Permit Exemptions**

Beneficial Use Permit exemption - Applicability. Any Person may apply to Ecology for exemption from the Permitting requirements of this chapter for Beneficial Use of Solid Waste. Applications for Permit exemptions shall be prepared and submitted in accordance with the requirements of WAC 173-350-200.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.140 Recycling**

- A. Recycling – Applicability. These standards apply to Recycling Solid Waste. These standards do not apply to:
1. Storage, Treatment or Recycling of Solid Waste in Piles which are subject to ICC 8.08B.190;
  2. Storage or Recycling of Solid Waste in Surface Impoundments which are subject to ICC 8.08B.200;
  3. Composting Facilities subject to ICC 8.08B.150;
  4. Solid Waste that is beneficially used on the land that is subject to ICC 8.08B.160;
  5. Storage of Waste Tires prior to Recycling which is subject to ICC 8.08B.210;
  6. Storage of Moderate Risk Waste prior to Recycling which is subject to ICC 8.08B.220;
  7. Energy Recovery or Incineration of Solid Waste which is subject to ICC 8.08B.170;
  8. Intermediate Solid Waste Handling Facilities subject to ICC 8.08B.180.
- B. Recycling - Permit exemption and notification.
1. In accordance with section 70.95.305 RCW, Recycling of Solid Waste is subject solely to the requirements of (2) of this subsection and is exempt from Solid Waste Handling Permitting. Any Person engaged in Recycling that does not comply with the terms and conditions of (2) of this subsection is required to obtain a Permit from the Health Department in accordance with the requirements of ICC 8.08B.260. In addition, violations of the terms and conditions of (2) of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties.
  2. Recycling shall be conducted in conformance with the following terms and conditions in order to maintain Permit exempt status:
    - a) Meet the performance standards of ICC 8.08B.050;
    - b) Accept only Source Separated Solid Waste for the purpose of Recycling;
    - c) Allow inspections by Ecology or the Health Department at reasonable times;
    - d) Notify Ecology and the Health Department thirty days prior to operation of the intent to conduct Recycling in accordance with this section. Notification shall be in writing, and shall include:

- (i) Contact information for the Person conducting the Recycling activity;
  - (ii) A general description of the Recycling activity;
  - (iii) A description of the types of Solid Waste being Recycled; and
  - (iv) An explanation of the Recycling processes and methods;
- e) Prepare and submit an annual report to Ecology and the Health Department by April 1st on forms supplied by Ecology or the Health Department. The annual report shall detail Recycling activities during the previous calendar year and shall include the following information:
- (i) Name and address of the Recycling operation;
  - (ii) Calendar year covered by the report;
  - (iii) Annual quantities and types of Waste received, Recycled and Disposed, in tons, for purposes of determining progress towards achieving the goals of Waste reduction, Waste Recycling, and Treatment in accordance with section 70.95.010(4) RCW; and
  - (iv) Any additional information required by written notification of the Health Department or Ecology.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.150 Composting Facilities****A. Composting Facilities - Applicability.**

1. This section is applicable to all Facilities or sites that Treat Solid Waste by Composting. This section is not applicable to:
  - a) Composting used as a Treatment for Dangerous Wastes regulated under chapter 173-303 WAC, Dangerous waste regulations;
  - b) Composting used as a Treatment for petroleum Contaminated Soils regulated under ICC 8.08B.190;
  - c) Treatment of Liquid Sewage Sludge or Biosolids in digesters at wastewater Treatment facilities regulated under chapter 90.48 RCW, Water pollution control and chapter 70.95J RCW, Municipal sewage sludge – Biosolids;
  - d) Treatment of other Liquid Solid Wastes in digesters regulated under ICC 8.08B.200; and
  - e) Composting Biosolids when Permitted under chapter 173-308 WAC, Biosolids management.

2. In accordance with section 70.95.305 RCW, the operation of the following activities in this subsection are subject solely to the requirements of (3) of this subsection and are exempt from Solid Waste Handling Permitting. An owner or operator that does not comply with the terms and conditions of (3) of this subsection is required to obtain a Permit from the Health Department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (3) of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties.
- a) Production of substrate used solely on-site to grow mushrooms;
  - b) Vermicomposting, when used to process Type 1, Type 2, or Type 3 Feedstocks generated on-site;
  - c) Composting of Type 1 or Type 2 Feedstocks with a volume limit of forty cubic yards of material on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost;
  - d) Composting of food Waste generated on-site and composted in Containers designed to prohibit Vector attraction and prevent Nuisance Odor generation. Total volume of the Containers shall be limited to ten cubic yards or less;
  - e) Agricultural Composting when all the Agricultural Wastes are generated on-site and all finished compost is used on-site;
  - f) Agricultural Composting when any Agricultural Wastes are generated off-site, and all finished compost is used on-site, and total volume of material is limited to one thousand cubic yards on-site at any time. Material on-site includes feedstocks, partially composted feedstocks, and finished compost; and
  - g) Agricultural Composting at registered dairies when the Composting is a component of a fully certified dairy nutrient management plan as required by chapter 90.64 RCW, Dairy nutrient management act.
  - h) Composting of Type 1 or Type 2 Feedstocks when more than forty cubic yards and less than two hundred fifty cubic yards of material is on-site at any one time.
  - i) Agricultural Composting, when any of the finished compost is distributed off-site and when it meets the following requirements:
    - (i) More than forty cubic yards, but less than one thousand cubic yards of Agricultural Waste is on-site at any time; and

- (ii) Agricultural Composting is managed according to a farm management plan written in conjunction with a conservation district, a qualified engineer, or other agricultural professional able to certify that the plan meets applicable conservation practice standards in the *Washington Field Office Technical Guide* produced by the Natural Resources Conservation Service.
  - j) Vermicomposting when used to process Type 1 or Type 2 Feedstocks generated off-site. Total volume of materials is limited to one thousand cubic yards on-site at any one time.
3. Composting operations identified in subsection (2) shall be managed according to the following terms and conditions to maintain their exempt status:
- a) Comply with the performance standards of ICC 8.08B.050;
  - b) Protect Surface Water and Ground Water through the use of best management practices and all known available and reasonable methods of prevention, control, and Treatment as appropriate. This includes, but is not limited to, Setbacks from wells, Surface Waters, property lines, roads, public access areas, and site-specific Setbacks when appropriate;
  - c) Control Nuisance Odors to prevent migration beyond property boundaries;
  - d) Manage the operation to prevent attraction of flies, rodents, and other Vectors;
  - e) Conduct an annual analysis, prepared in accordance with the requirements of subsection (D)(1)(h) of this section, for Composted Material that is distributed off-site from categorically exempt Facilities described in subsection (A)(2)(g) through (i) of this section.
  - f) Prepare and submit an annual report to Ecology and the Health Department by April 1st for categorically exempt Facilities described in subsection (A)(2)(g) through (i) of this section. Annual reports are not required for Facilities operating under the Permit exemption provided in (2)(g) of this subsection if the Composted Material is not distributed off-site. The annual report shall be on forms supplied by the Health Department or Ecology and shall detail Facility activities during the previous calendar year and shall include the following information:
    - (i) Name and address of the Facility;
    - (ii) Calendar year covered by the report;
    - (iii) Annual quantity and type of feedstocks received and compost produced, in tons;

- (iv) Annual quantity of Composted Material sold or distributed, in tons;
    - (v) Results of the annual analysis of Composted Material required by subsection (A)(3)(e) of this section; and
    - (vi) Any additional information required by written notification of the Health Department or Ecology.
  - g) Allow Ecology or the Health Department to inspect the site at reasonable times;
  - h) For activities under (2)(h) through (j) of this subsection, and registered dairies where compost is distributed off-site, Ecology and the Health Department shall be notified in writing thirty days prior to beginning any Composting activity. Notification shall include name of owner or operator, location of Composting operation and identification of feedstocks.
- B. Composting Facilities - Location standards. There are no specific location standards for Composting Facilities subject to this chapter; however, Composting Facilities must meet the requirements provided under ICC 8.08B.050(E).
- C. Composting Facilities - Design standards. The owner or operator of a Composting Facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. Scale drawings of the Facility including the location and size of feedstock and finished product Storage areas, compost Processing areas, fixed equipment, buildings, Leachate collection devices, access roads and other appurtenant facilities; and design specifications for compost pads, storm water Run-on prevention system, and Leachate collection and conveyance systems shall be provided. All Composting Facilities shall be designed and constructed to meet the following requirements:
1. When necessary to provide public access, all-weather roads shall be provided from the public highway or roads to and within the compost Facility and shall be designed and maintained to prevent traffic congestion, traffic hazards, dust and noise pollution;
  2. Composting Facilities shall separate storm water from Leachate by designing storm water Run-on prevention systems, which may include covered areas (roofs), diversion swales, ditches or other designs to divert storm water from areas of feedstock preparation, active Composting and curing;
  3. Composting Facilities shall collect any Leachate generated from areas of feedstock preparation, active Composting and curing. The Leachate shall be conveyed to a Leachate holding pond, Tank or other containment structure. The Leachate holding structure shall be of adequate capacity to collect the amount of Leachate generated, and the volume calculations shall be based on the Facility design, monthly water balance, and precipitation data. Leachate holding ponds and Tanks shall be designed according to the following:

- a) For Leachate ponds at registered dairies, the design and installation shall meet Natural Resources Conservation Service standards for a Waste Storage Facility in the *Washington Field Office Technical Guide*.
  - b) For Leachate ponds at Composting Facilities other than registered dairies, the pond shall be designed to meet the following requirements:
    - (i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. High density polyethylene geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding. The Health Department may approve the use of alternative designs if the owner or operator can demonstrate during the Permitting process that the proposed design will prevent migration of Solid Waste constituents or Leachate into the ground or Surface Waters at least as effectively as the liners described in this subsection;
    - (ii) Have dikes and slopes designed to maintain their structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation;
    - (iii) Have freeboard equal to or greater than eighteen inches to avoid overtopping from wave action, overfilling, or precipitation. The Health Department may reduce the freeboard requirement provided that other engineering controls are in place which prevent overtopping. These engineering controls shall be specified during the Permitting process;
    - (iv) Leachate ponds that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of Liquid measured from the top of the dike and which would be released by a failure of the containment dike shall be reviewed and approved by the dam safety section of Ecology.
  - c) Tanks used to store Leachate shall meet design standards in ICC 8.08B.200.
4. Composting Facilities shall be designed with process parameters and management procedures that promote an aerobic Composting process. This requirement is not intended to mandate forced aeration or any other specific Composting technology. This requirement is meant to ensure that compost Facility designers take into account porosity, nutrient balance, Pile oxygen, Pile moisture, Pile temperature, and retention time of Composting when designing a Facility.
5. Incoming feedstocks, active Composting, and curing materials shall be placed on compost pads that meet the following requirements:



- a) All compost pads shall be curbed or graded in a manner to prevent ponding, Run-on and Runoff, and direct all Leachate to collection devices. Design calculations shall be based upon the volume of water resulting from a Twenty-Five-Year Storm event as defined in ICC 8.08B.030;
  - b) All compost pads shall be constructed over soils that are competent to support the weight of the pad and the proposed Composting materials;
  - c) The entire surface area of the compost pad shall maintain its integrity under any machinery used for Composting activities at the Facility; and
  - d) The compost pad shall be constructed of materials such as concrete (with sealed joints), asphaltic concrete, or soil cement to prevent subsurface soil and Ground Water Contamination;
  - e) The Health Department may approve other materials for compost pad construction if the Permit applicant is able to demonstrate that the compost pad will meet the requirements of this subsection.
- D. Composting Facilities - Operating standards. The owner or operator of a Composting Facility shall:
- 1. Operate the Facility to:
    - a) Control dust, Nuisance Odors, and other Contaminants to prevent migration of air Contaminants beyond property boundaries;
    - b) Prevent the attraction of Vectors;
    - c) Ensure that only feedstocks identified in the approved Plan of Operation are accepted at the Facility;
    - d) Ensure the Facility operates under the supervision and control of a properly trained individual during all hours of operation, and access to the Facility is restricted when the Facility is closed;
    - e) Ensure Facility employees are trained in appropriate Facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved Plan of Operation;
    - f) Implement and document pathogen reduction activities when Type 2, 3 or 4 Feedstocks are composted. Documentation shall include compost Pile temperature and notation of turning as appropriate, based on the Composting method used. Pathogen reduction activities shall at a minimum include the following:

- (i) In vessel Composting - the temperature of the active compost Pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three days; or
  - (ii) Aerated static Pile - the temperature of the active compost Pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for three days; or
  - (iii) Windrow Composting - the temperature of the active compost Pile shall be maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher for fifteen days or longer. During the period when the compost is maintained at fifty-five degrees Celsius (one hundred thirty-one degrees Fahrenheit) or higher, there shall be a minimum of five turnings of the windrow; or
  - (iv) An alternative method that can be demonstrated by the owner or operator to achieve an equivalent reduction of human pathogens;
- g) Monitor the Composting process according to the Plan of Operation submitted during the Permitting process. Monitoring shall include inspection of incoming loads of feedstocks and pathogen reduction requirements of (a)(vi) of this subsection; and
- h) Analyze Composted Material for:
  - (i) Metals in Table A at the minimum frequency listed in Table C. Compost Facilities Composting only Type 1 and Type 2 Feedstocks are not required to test for molybdenum and selenium. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;
  - (ii) Parameters in Table B at the minimum frequency listed in Table C. Testing frequency is based on the feedstock type and the volume of feedstocks processed per year;
  - (iii) Nitrogen content at the minimum frequency listed in Table C; and
  - (iv) Biological stability as outlined in United States Composting Council Test Methods for the Examination of Composting and Compost at the minimum frequency listed in Table C; and
  - (v) The Health Department may require testing of additional metal or Contaminants, and/or modify the frequency of testing based on historical data for a particular Facility, to appropriately evaluate the Composted Material.

Table A - Metals

<b>Metal</b>	<b>Limit (mg/kg dry weight)</b>
Arsenic	< = 20 ppm
Cadmium	< = 10 ppm
Copper	< = 750 ppm
Lead	< = 150 ppm
Mercury	< = 8 ppm
Molybdenum <sup>1</sup>	< = 9 ppm
Nickel	< = 210 ppm
Selenium <sup>1</sup>	< = 18 ppm
Zinc	< = 1400 ppm

<sup>1</sup>Not required for Composted Material made from Type 1, Type 2, or a mixture of Type 1 and Type 2 Feedstocks.

Table B - Other Testing Parameters

<b>Parameter</b>	<b>Limit</b>
Manufactured Inerts	< 1 percent
Sharps	0
PH	5 - 10 (range)
Fecal Coliform	< 1,000 Most Probable Number per gram of total solids (dry weight).
Salmonella	< 3 Most Probable Number per 4 grams of total solids (dry weight).

Table C - Frequency of Testing Based on Feedstocks Received

<b>Feedstock Type</b>	<b>&lt; 5,000 cubic yards</b>	<b>= or &gt; 5,000 cubic yards</b>
Type 1  or Type 2	Once per year	Every 10,000 cubic yards or every six months whichever is more frequent
Type 3	Once per quarter (four times per year)	Every 5,000 cubic yards or every other month whichever is more frequent
Type 4	Every 1,000 cubic yards	Every 1,000 cubic yards or once per month whichever is more frequent

2. Inspect the Facility to prevent malfunctions and deterioration, operator errors and discharges, which may cause or lead to the release of Waste to the environment or a threat to human health. Inspections shall be conducted at least weekly, unless an alternate schedule is approved by the Health Department as part of the Permitting process. For compost Facilities with Leachate holding ponds, conduct regular liner inspections at least once every five years, unless an alternate schedule is approved by the Health Department as part of the Permitting process. The frequency of inspections

shall be specified in the operations plan and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The Health Department shall be given sufficient notice and have the opportunity to be present during liner inspections. An inspection log or summary shall be kept at the Facility or other convenient location if permanent office facilities are not on-site, for at least five years from the date of inspection. Inspection records shall be available to the Health Department upon request.

3. Maintain daily operating records of the following:
  - a) Temperatures and compost Pile turnings for Type 2, Type 3 and Type 4 Feedstocks;

- b) Additional process monitoring data as prescribed in the Plan of Operation; and
  - c) Results of Laboratory analyses for Composted Materials as required in (a)(viii) of this subsection. Facility inspection reports shall be maintained in the operating record. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the Health Department.
4. Prepare and submit a copy of an annual report to the Health Department and the Department by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the Facility's activities during the previous calendar year and shall include the following information:
- a) Name and address of the Facility;
  - b) Calendar year covered by the report;
  - c) Annual quantity and type of feedstocks received and compost produced, in tons;
  - d) Annual quantity of Composted Material sold or distributed, in tons;
  - e) Annual summary of Laboratory analyses of Composted Material; and
  - f) Any additional information required by the Health Department or Ecology as a condition of the Permit.
5. Develop, keep and abide by a Plan of Operation approved as part of the Permitting process. The Plan of Operation shall convey to site Personnel the concept of operation intended by the designer. The Plan of Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each Plan of Operation shall include the following:
- a) List of feedstocks to be composted, including a general description of the source of feedstocks;
  - b) A description of how Wastes are to be handled on-site during the Facility's active life including:
    - (i) Acceptance criteria that will be applied to the feedstocks;
    - (ii) Procedures for ensuring that only the Waste described will be accepted;
    - (iii) Procedures for handling unacceptable Wastes;
    - (iv) Mass balance calculations for feedstocks and amendments to determine an acceptable mix of materials for efficient decomposition;

- (v) Material flow plan describing general procedures to manage all materials on-site from incoming feedstock to finished product;
  - (vi) A description of equipment, including equipment to add water to compost as necessary;
  - (vii) Process monitoring plan, including temperature, moisture, and porosity;
  - (viii) Pathogen reduction plan for Facilities that accept Type 2, Type 3, and Type 4 Feedstocks;
  - (ix) Sampling and analysis plan for the final product;
  - (x) Nuisance Odor management plan (air quality control plan);
  - (xi) Leachate management plan, including monthly water balance; and
  - (xii) Storm water management plan;
  - c) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspections and inspection logs;
  - d) A neighbor relations plan describing how the owner or operator will manage complaints;
  - e) Safety, fire and emergency plans;
  - f) Forms for recordkeeping of daily weights or volumes of incoming feedstocks by type and finished compost product, and process monitoring results; and
  - g) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
- E. Composting Facilities - Ground Water monitoring requirements. There are no specific Ground Water monitoring requirements for Composting Facilities subject to this chapter; however, Composting Facilities must meet the requirements provided under ICC 8.08B.050(E).
- F. Composting Facilities - Closure requirements. The owner or operator of a Composting Facility shall:
- 1. Notify the Health Department sixty days in advance of Closure. At Closure, all Solid Waste, including but not limited to, raw or partially composted feedstocks, and Leachate from the Facility shall be removed to another Facility that conforms with the applicable regulations for handling the Waste.

2. Develop, keep and abide by a Closure Plan approved by the Health Department as part of the Permitting process. At a minimum, the Closure Plan shall include methods of removing Solid Waste materials from the Facility.
- G. Composting Facilities - Financial assurance requirements. There are no specific financial assurance requirements for Composting Facilities subject to this chapter; however, Composting Facilities must meet the requirements provided under ICC 8.08B.050(E).
- H. Composting Facilities - Permit application contents. The owner or operator of a Composting Facility shall obtain a Solid Waste Permit from the Health Department. All applications for Permits shall be submitted in accordance with the procedures established in ICC 8.08B.090. In addition to the requirements of ICC 8.08B.090 and 8.08B.100, each application for a Permit shall contain:
  1. Engineering reports/plans and specifications that address the design standards of subsection (C) of this section;
  2. A Plan of Operation meeting the requirements of subsection (D) of this section; and
  3. A Closure Plan meeting the requirements of subsection (F) of this section.
- I. Composting Facilities - Construction records. The owner or operator of a Composting Facility shall provide copies of the construction record drawings for engineered Facilities at the site and a report documenting Facility Construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the Health Department and Ecology. Facilities shall not commence operation until the Health Department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.
- J. Composting Facilities - Designation of Composted Materials. Composted Materials meeting the limits for metals in Table A and the parameters of Table B of this section, and having a stability rating of very stable, stable, or moderately unstable as determined by the analysis required in subsection (D)(1)(h)(iv) of this section, shall no longer be considered a Solid Waste and shall no longer be subject to this chapter. Composted Materials that do not meet these limits are still considered Solid Waste and are subject to management under chapter 70.95 RCW, Solid waste management -- Reduction and Recycling.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.160 Land Application**

- A. Land application - Applicability. This section applies to Solid Waste that is beneficially used on the land for its agronomic value, or soil-amending capability, including Land Reclamation. This section does not apply to:

1. The application of Commercial fertilizers registered with the Washington state Department of Agriculture as provided in section 15.54.325 RCW, and which are applied in accordance with the standards established in section 15.54.800(3) RCW;
  2. Biosolids regulated under chapter 173-308 WAC, Biosolids management;
  3. Composted Materials no longer considered Solid Waste under ICC 8.08B.150(J);
  4. Dangerous Waste regulated under chapter 173-303 WAC Dangerous waste regulations;
  5. Waste derived Soil Amendments exempted from Permitting under WAC 173-350-200; and
  6. Solid Waste used to improve the engineering characteristics of soil.
- B. Land application - Location standards. There are no specific location standards for land application of Solid Waste subject to this chapter; however, Land Application Sites must meet the requirements provided under ICC 8.08B.050(E).
- C. Land application - Design standards. There are no specific design standards for land application of Solid Waste subject to this chapter; however, Land Application Sites must meet the requirements provided under ICC 8.08B.050(E).
- D. Land application - Operating standards. The owner or operator of a Land Application Site shall operate the site in compliance with the performance standards of ICC 8.08B.050. The Health Department shall determine the need for environmental monitoring to ensure compliance with the performance standards. In addition the owner or operator shall:
1. Operate the site to ensure that:
    - a) For Waste Stored in Piles on the site:
      - (i) Contamination of Ground Water, Surface Water, air and land during Storage and in case of fire or flood is prevented;
      - (ii) The potential for combustion within the Pile and the potential for combustion from other sources is minimized;
      - (iii) The duration of on-site Waste Storage is limited to one year, or less if the Health Department believes it is necessary to prevent the Contamination of Ground Water, Surface Water, air and land; and
      - (iv) The amount of material on site does not exceed the amount that could potentially be applied to the site during a one-year period in accordance with the Plan of Operations;



- b) For Storage of Liquid Waste or semisolid Waste in Surface Impoundments or Tanks, the requirements of ICC 8.08B.200 are met;
- c) Land application occurs at a predictable application rate determined as follows:
  - (i) For agricultural applications, Solid Waste shall be applied to the land at a rate that does not exceed the Agronomic Rate. The Agronomic Rate should be based on Washington State University cooperative extension service fertilizer guidelines or other appropriate guidance accepted by the Health Department;
  - (ii) For the purposes of Land Reclamation or other soil amending activities, the application rate may be designed to achieve a soil organic matter content or other soil physical characteristic and promote long-term soil productivity, with consideration of the carbon-to-nitrogen ratio to control nutrient leaching; and
  - (iii) For Liquid Wastes, the application rate shall also be based on soil Permeability and infiltration rate.
- 2. Maintain daily operating records of the amount and type of Waste applied to the land, the crop and any additional nutrient inputs. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the Health Department;
- 3. Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the activities during the previous calendar year and shall include the following information:
  - a) Site address or legal description;
  - b) Calendar year covered by the report;
  - c) Annual quantity and type of Waste received from each source;
  - d) For each crop grown: The acreage used, the amount, type and source of each Waste applied, the crop, and any additional nutrient inputs to the land, such as manure, Biosolids, or Commercial fertilizer;
  - e) Quantity and type of any Waste remaining in Storage as of December 31st of the reporting year;
  - f) Any additional Waste characterization information required to be obtained as a condition of the Permit, and a summary report of that data;
  - g) Any environmental monitoring data required to be obtained as a condition of the Permit, and a summary report of that data; and

- h) Any additional information required by the Health Department or Ecology as a condition of the Permit;
- 4. Develop, keep, and abide by a Plan of Operation approved as part of the Permitting process. The plan shall describe the Facility's operation. The Plan of Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each Plan of Operation shall include the following:
  - a) A description of the types of Solid Wastes to be handled at the site;
  - b) A description of how Wastes are to be handled on-site during the life of the site including:
    - (i) How Wastes will be delivered to the site and meet any local agency notification requirements;
    - (ii) A description of the process, system and equipment that will be used to apply the Waste to the land that explains:
      - (1) How the equipment and system will be calibrated to deliver Waste at the Agronomic Rate;
      - (2) Whether the Waste will be allowed to remain on the surface of the land, will be tilled into the soil, or will be injected into the soil at the time of application;
      - (3) When the Waste will be applied to the land relative to crop and livestock management practices; and
      - (4) Any proposed restrictions on application related to climatic factors including typical precipitation, Twenty-Five-Year Storm events as defined in ICC 8.08B.030, temperature, and wind, or site conditions including frozen soils and seasonal high Ground Water;
    - (iii) A description of how the Waste will be managed at all points during Storage and application to control attraction to disease Vectors and to mitigate Nuisance Odor impacts;
  - c) A spill response plan including the names and phone numbers of all contacts to be notified in the event of a spill and how the spill will be cleaned up;
  - d) If the seasonal high Ground Water is three feet or less below the surface, a management plan describing how Ground Water will be protected;
  - e) A Waste monitoring plan providing analytical results representative of the Waste being applied to the land, over time, taking into account the rate of production of the Waste, timing of delivery, and Storage;

- f) The forms used to record volumes, weights and Waste application data;
  - g) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
- E. Land application - Ground Water monitoring requirements. There are no specific Ground Water monitoring requirements for Land Application Sites subject to this chapter; however, Land Application Sites must meet the requirements provided under ICC 8.08B.050(E).
- F. Land application - Closure requirements. The owner or operator of all Land Application Sites shall notify the Health Department sixty days in advance of Closure. All Land Application Sites shall be closed by applying all materials in Storage in accordance with the Permit, or by removing those materials to a Facility that conforms to the applicable regulations for handling the Waste.
- G. Land application - Financial assurance requirements. There are no specific financial assurance requirements for Land Application Sites subject to this chapter; however, Land Application Sites must meet the requirements provided under ICC 8.08B.050(E).
- H. Land application - Permit application contents.
  - 1. The owner or operator of Land Application Sites subject to this section shall obtain a Solid Waste Permit from the Health Department. All applications for Permits shall be submitted in accordance with the procedures established in ICC 8.08B.090. In addition to the requirements of ICC 8.08B.090 and 8.08B.100, each application for a Permit shall contain:
    - a) Contact information, including name, contact Person, mailing address, phone, fax, e-mail for:
      - (i) Any Person who generates Waste that will be applied to the site;
      - (ii) The Person who is applying for a Permit (the Permit holder);
      - (iii) The Person who prepares the Permit application; and
      - (iv) The Person who owns the site where the Waste will be applied.
    - b) Statement of intended use. The Permit application shall contain a clear explanation of the benefit to be obtained from land application of the material. Avoidance of Disposal is not adequate justification for land application of Solid Waste.
    - c) An analysis of the Waste which includes:
      - (i) A description of the material to be applied to the land;

- (ii) A description of the processes by which the material is generated and treated including all processed feedstocks;
- (iii) Any pseudonyms or trade names for the material;
- (iv) A discussion of the potential for the material to generate Nuisance Odors or to attract disease Vectors, including any complaints regarding Nuisance Odors associated with this material;
- (v) An analysis of pollutant concentrations of the following reported on a dry weight basis:
  - (1) Total arsenic;
  - (2) Total barium;
  - (3) Total cadmium;
  - (4) Total chromium;
  - (5) Total copper;
  - (6) Total lead;
  - (7) Total mercury;
  - (8) Total molybdenum;
  - (9) Total nickel;
  - (10) Total selenium;
  - (11) Total zinc.
- (vi) An analysis of nutrients at a minimum to include total Kjeldahl nitrogen, total nitrate-nitrogen, total ammonia- and ammonium-nitrogen, total phosphorus, and extractable potassium, reported on a dry weight basis;
- (vii) An analysis of physical/chemical parameters to include at a minimum: Total solids, total volatile solids, pH, electrical conductivity, total organic carbon;
- (viii) A discussion of any pathogens known or suspected to be associated with this material, including those which can cause disease in plants, animals, or humans;
- (ix) The concentration of fecal coliform bacteria expressed as CFU or MPN per gram of dry solid material; and

- (x) Any additional analysis required by the Health Department. The Health Department may reduce the analytical requirements of this section. Methods of analysis are to be determined by the Health Department.
- d) A comprehensive site characterization including:
  - (i) A description of current practices and a brief description of past practices on the application site, including application of Wastes, Soil Amendments, manures, Biosolids, liming agents, and other fertilization practices, livestock usage, irrigation practices, and crop history. Also indicate whether any management plan has been prepared for the site such as a farm, forest, or nutrient management plan. Discuss any potential changes to management practices at the site;
  - (ii) A description of the climate at the application site including typical precipitation, precipitation of a Twenty-Five-Year Storm, as defined in ICC 8.08.030, temperatures, and seasonal variations;
  - (iii) A brief discussion of the potential for Run-on and Runoff, and typical depths to seasonal high Ground Water;
  - (iv) An analysis of soil nutrients including residual nitrate in the upper two feet of soil in one foot increments;
  - (v) A site map showing property boundaries and ownership of adjacent properties with the application areas clearly shown, and with the latitude and longitude of the approximate center of each Land Application Site;
  - (vi) A topographic relief map of the site extending one quarter beyond the site boundaries at a scale of 1:24,000 or other scale if specified by the Health Department;
  - (vii) Show the following information on either of the maps provided or on additional maps if needed:
    - (1) Location of the site by street address, if applicable;
    - (2) The zoning classification of the site;
    - (3) The means of access to the site;
    - (4) The size of the site in acres, and if applicable, the size of individual fields, units, and application areas;
    - (5) The location and size of any areas which will be used to store the Waste;

- (6) Adjacent properties, uses, and their zoning classifications;
  - (7) Delineation of Wetlands on the site;
  - (8) Any portion of the site that falls within a wellhead protection area;
  - (9) Any seasonal Surface Water bodies located on the site or perennial Surface Water bodies within one-quarter mile of the site;
  - (10) The location of all wells within one-quarter mile of the boundary of the application area which are listed in public records or otherwise known, whether for domestic, irrigation, or other purposes;
  - (11) Any Setback or Buffer to Surface Water, property boundaries, or other feature, if proposed;
  - (12) The location of any critical areas or habitat identified under the Endangered Species Act, local growth management plans, habitat conservation plans, conservation reserve program, or local shoreline master program;
  - (13) A copy of the Natural Resources Conservation Service soil survey map from the most recent edition of the soil survey that includes the distribution of soil types with an overlay of the site boundaries; and
  - (14) A description of the soil type(s), textural classes, and soil depths present on the site as determined by the most recent edition of the Natural Resources Conservation Service soil survey or from actual field measurements.
- e) A Plan of Operation meeting the requirements of subsection (4) of this section.
2. Two or more areas of land under the same ownership or operational control which are not contiguous may be considered as one site for the purposes of Permitting, if in the opinion of the Health Department the areas are sufficiently proximate and management practices are sufficiently similar that viewing them as one proposal would expedite the Permit process without compromising the public interest. A Health Department may also require separate Permits for a contiguous area of land if it finds that the character of a proposed site or management practices across the site are sufficiently different that the Permit process and public interest would be best served by a more focused approach.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.170 Energy Recovery and Incineration**

Incinerators and Solid Waste Energy Recovery Facilities shall be designed and operated in a manner that conforms with current federal, state (WAC 173-350-240), regional and local Solid Waste regulations and any air pollution or other applicable regulations.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.180 Intermediate Solid Waste Handling Facilities**

- A. Intermediate Solid Waste Handling Facilities - Applicability. This section is applicable to any Facility engaged in Solid Waste Handling that provides intermediate Storage and/or Processing prior to transport for final Disposal. This includes, but is not limited to, Material Recovery Facilities, Transfer Stations, baling and compaction sites, and Drop Box Facilities. This section is not applicable to:
1. Storage, Treatment or Recycling of Solid Waste in Piles which are subject to ICC 8.08B.190;
  2. Storage or Recycling of Solid Waste in Surface Impoundments which are subject to ICC 8.08B.200;
  3. Composting Facilities subject to ICC 8.08B.150;
  4. Recycling which is subject to ICC 8.08B.140;
  5. Storage of Waste Tires which is subject to ICC 8.08B.210;
  6. Storage of Moderate Risk Waste prior to Recycling which is subject to ICC 8.08B.220;
  7. Energy Recovery or Incineration of Solid Waste which is subject to ICC 8.08B.170; and
  8. Drop boxes placed at the point of Waste generation which is subject to ICC 8.08B.110.
- B. Materials Recovery Facilities - Permit exemption and notification.
1. In accordance with section 70.95.305 RCW, Material Recovery Facilities managed in accordance with the terms and conditions of (2) of this subsection are exempt from Solid Waste Handling Permitting. An owner or operator that does not comply with the terms and conditions of (2) of this subsection is required to obtain a Permit from the Health Department as an Intermediate Solid Waste Handling Facility and shall comply with the requirements of ICC 8.08B.180. In addition, violations of the terms and conditions of (2) of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08.440, Violations and Penalties.

2. Material Recovery Facilities shall be managed according to the following terms and conditions to maintain their exempt status:
  - a) Meet the performance standards of ICC 8.08B.050;
  - b) Accept only Source Separated Recyclable Materials and Dispose of an incidental and accidental residual not to exceed five percent of the total Waste received, by weight per year, or ten percent by weight per load;
  - c) Allow inspections by Ecology or the Health Department at reasonable times;
  - d) Notify Ecology or the Health Department, thirty days prior to operation, of the intent to operate a Material Recovery Facility in accordance with this section. Notification shall be in writing, and shall include:
    - (i) Contact information for Facility owner or operator;
    - (ii) A general description of the Facility; and
    - (iii) A description of the types of Recyclable Materials managed at the Facility;
  - e) Prepare and submit an annual report to Ecology and the Health Department by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail Facility activities during the previous calendar year and shall include the following information:
    - (i) Name and address of the Facility;
    - (ii) Calendar year covered by the report;
    - (iii) Annual quantities and types of Waste received, recycled and Disposed, in tons, for purposes of determining progress towards achieving the goals of Waste Reduction, Waste Recycling, and Treatment in accordance with section 70.95.010(4) RCW; and
    - (iv) Any additional information required by written notification of the Health Department or Ecology.
- C. Intermediate Solid Waste Handling Facilities - Location standards. There are no specific location standards for Intermediate Solid Waste Handling Facilities subject to this chapter; however, Intermediate Solid Waste Handling Facilities must meet the requirements provided under ICC 8.08B.050(E).
- D. Intermediate Solid Waste Handling Facilities - Design standards. The owner or operator of all Intermediate Solid Waste Handling Facilities shall prepare engineering reports/plans and specifications to address the following design standards:



1. Material Recovery Facilities, Transfer Stations, baling and compaction sites shall:
    - a) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of Waste;
    - b) Be sturdy and constructed of easily cleanable materials;
    - c) Provide effective means to control rodents, insects, birds and other Vectors;
    - d) Provide effective means to control Litter;
    - e) Provide protection of the Tipping Floor from wind, rain or snow;
    - f) Provide pollution control measures to protect surface and Ground Waters, including Runoff collection and discharge designed to handle a Twenty-Five-Year Storm as defined in ICC 8.08B.030, and equipment cleaning and washdown water;
    - g) Provide pollution control measures to protect air quality; and
    - h) Provide all-weather surfaces for vehicular traffic.
  2. Drop boxes shall be constructed of durable watertight materials with a lid or screen on top that prevents the loss of materials during transport and access by rats and other Vectors, and control Litter.
- E. Intermediate Solid Waste Handling Facilities - Operating standards. The owner or operator of an Intermediate Solid Waste Handling Facility shall:
1. Operate the Facility to:
    - a) For Material Recovery Facilities, Transfer Stations, baling and compaction sites:
      - (i) Be protective of human health and the environment;
      - (ii) Prohibit the Disposal of Dangerous Waste and other unacceptable Waste;
      - (iii) Control rodents, insects, and other Vectors;
      - (iv) Control Litter;
      - (v) Prohibit Scavenging;
      - (vi) Prohibit Open Burning;
      - (vii) Control dust;
      - (viii) For Putrescible Waste, control Nuisance Odors;
      - (ix) Provide attendant(s) on-site during hours of operation;

- (x) Have a sign that identifies the Facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the Facility does not accept and other necessary information posted at the site entrance; and
  - (xi) Have communication capabilities to immediately summon fire, police, or emergency service Personnel in the event of an emergency.
- b) For Drop Box Facilities:
  - (i) Be serviced as often as necessary to ensure adequate dumping capacity at all times. Storage of Waste outside the drop boxes is prohibited;
  - (ii) Be protective of human health and the environment;
  - (iii) Control rodents, insects, and other Vectors;
  - (iv) Control Litter;
  - (v) Prohibit Scavenging;
  - (vi) Control dust;
  - (vii) For Putrescible Waste, control Nuisance Odors; and
  - (viii) Have a sign that identifies the Facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the Facility does not accept and other necessary information posted at the site entrance;
- 2. Inspect and maintain the Facility to prevent deterioration or the release of Wastes to the environment that could pose a threat to human health. Inspection shall be as needed, but at least weekly, unless an alternate schedule is approved by the Health Department as part of the Permitting process;
- 3. Maintain daily operating records on the weights and types of Wastes received or removed from the Facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the Health Department;
- 4. Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the Facility's activities during the previous calendar year and shall include the following information:
  - a) Name and address of the Facility;
  - b) Calendar year covered by the report;

- c) Annual quantity of each type of Solid Waste handled by the Facility, in tons;
  - d) Destination of Waste transported from the Facility for Processing or Disposal; and
  - e) Any additional information required by the Health Department or Ecology as a condition of the Permit.
- 5. Develop, keep and abide by a Plan of Operation approved as part of the Permitting process. The plan shall describe the Facility's operation and shall convey to site operating Personnel the concept of operation intended by the designer. The Plan of Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each Plan of Operation shall include the following:
  - a) A description of the types of Solid Wastes to be handled at the Facility;
  - b) A description of how Solid Wastes are to be handled on-site during the Facility's life, including maximum Facility capacity, methods of adding or removing Waste from the Facility and equipment used;
  - c) A description of the procedures used to ensure that Dangerous Waste and other unacceptable Waste are not accepted at the Facility;
  - d) Safety and emergency plans;
  - e) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
  - f) For Putrescible Wastes, an odor management plan describing the actions to be taken to control Nuisance Odors;
  - g) The forms used to record volumes or weights; and
  - h) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
- F. Intermediate Solid Waste Handling Facilities - Ground Water monitoring requirements. There are no specific Ground Water monitoring requirements for intermediate Solid Waste Handling Facilities subject to this chapter; however, Intermediate Solid Waste Handling Facilities must meet the requirements provided under ICC 8.08B.050(E).
- G. Intermediate Solid Waste Handling Facilities - Closure requirements. The owner or operator of an Intermediate Solid Waste Handling Facility shall:
  - 1. Notify the Health Department one hundred eighty days in advance of Closure. All Waste shall be removed to a Facility that conforms with the applicable regulations for handling the Waste.

2. Develop, keep and abide by a Closure Plan approved by the Health Department as part of the Permitting process. At a minimum, the Closure Plan shall include the methods of removing Waste.
- H. Intermediate Solid Waste Handling Facilities - Financial assurance. There are no specific financial assurance requirements for Intermediate Solid Waste Handling Facilities subject to this chapter; however, intermediate Solid Waste Handling Facilities must meet the requirements provided under ICC 8.08B.050(E).
- I. Intermediate Solid Waste Handling Facilities - Permit application contents. The owner or operator of an Intermediate Solid Waste Handling Facility shall obtain a Solid Waste Permit from the Health Department. All applications for Permits shall be submitted in accordance with the procedures established in ICC 8.08B.090. In addition to the requirements of ICC 8.08B.090 and 8.08B.100, each application for a Permit shall contain:
  1. For Material Recovery Facilities, Transfer Stations, baling and compaction sites:
    - a) Engineering reports/plans and specifications that address the design standards of subsection (4)(a) of this section;
    - b) A Plan of Operation meeting the applicable requirements of subsection (5) of this section;
    - c) A Closure Plan meeting the requirements of subsection (7) of this section;
  2. For Drop Box Facilities:
    - a) Engineering reports/plans and specifications that address the design standards of subsection (4)(b) of this section;
    - b) A Plan of Operation meeting the applicable requirements of subsection (5) of this section; and
    - c) A Closure Plan meeting the requirements of subsection (7) of this section.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

#### **8.08B.190 Piles Used for Storage or Treatment**

- A. Piles used for Storage or Treatment - Applicability.
  1. This section is applicable to Solid Waste Stored or Treated in Piles where Putrescible Waste Piles that do not contain Municipal Solid Waste are in place for more than three weeks, nonputrescible Waste and Contaminated Soils and Contaminated Dredged Material Piles are in place for more than three months and Municipal Solid Waste Piles are in place for more than three days. This section is not applicable to:

- a) Waste Piles located at Composting Facilities subject to ICC 8.08B.150 that are an integral part of the Facility's operation;
  - b) Piles of nonputrescible Waste stored in enclosed buildings provided that no Liquids or Liquid Waste are added to the Pile; and
  - c) Piles of Waste Tires or used tires subject to ICC 8.08B.210.
2. In accordance with section 70.95.305 RCW, Storage Piles of Wood Waste used for fuel or as a raw material, Wood Derived Fuel, and Agricultural Wastes on farms, are subject solely to the requirements of (3)(a) through (c) of this subsection and are exempt from Solid Waste Handling Permitting. An owner or operator that does not comply with the terms and conditions of (3)(a) through (c) of this subsection is required to obtain a Permit from the Health Department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (3)(a) through (c) of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties.
3. Owners and operators of all Storage Piles that are categorically exempt from Solid Waste Handling Permitting in accordance with (2) of this subsection shall:
  - a) Ensure that at least fifty percent of the material Stored in the Pile is used within one year and all material is used within three years;
  - b) Comply with the performance standards of ICC 8.08B.050; and
  - c) Allow Ecology and Health Department representatives to inspect the Waste Pile at reasonable times for the purpose of determining compliance with this chapter.
4. In accordance with section 70.95.305 RCW, the Storage of Inert Waste in Piles is subject solely to the requirements of (5)(a) through (f) of this subsection and are exempt from Solid Waste Handling Permitting. The Storage of Inert Waste in Piles at a Facility with a total volume of two hundred fifty cubic yards or less is subject solely to the requirements of (5)(d) of this subsection. An owner or operator that does not comply with the terms and conditions of (5)(a) through (f) of this subsection is required to obtain a Permit from the Health Department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and conditions of (5)(a) through (f) may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties.
5. Owners and operators of all Storage Piles that are categorically exempt from Solid Waste Handling Permitting in accordance with (4) of this subsection shall:
  - a) Implement and abide by a procedure that is capable of detecting and preventing non-Inert Wastes from being accepted or mixed with Inert Waste;

- b) Ensure that at least fifty percent of the material Stored in the Pile is used within one year and all the material is used within three years;
  - c) Control public access and unauthorized Vehicular traffic to prevent illegal dumping of Wastes;
  - d) Comply with the performance standards of ICC 8.08B.050;
  - e) Allow Ecology and Health Department representatives to inspect the Waste Pile at reasonable times for the purpose of determining compliance with this chapter; and
  - f) Notify Ecology and the Health Department thirty days prior to commencing operations of the intent to Store Inert Waste in accordance with this section. Notification shall be in writing, and shall include:
    - (i) Contact information for the owner or operator;
    - (ii) A general description and location of the Facility; and
    - (iii) A description of the Inert Waste handled at the Facility.
- B. Piles used for Storage or Treatment - Location standards. There are no specific location standards for Piles subject to this chapter; however, Waste Piles must meet the requirements provided under ICC 8.08B.050(E).
- C. Piles used for Storage or Treatment - Design standards.
- 1. The owner or operator of Piles used for Storage or Treatment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. The maximum Waste capacity, elevation and boundaries of the Waste Pile shall be provided. Piles shall be designed and constructed to:
    - a) Control public access;
    - b) Comply with the uniform fire code as implemented through the Local Fire Control Agency;
    - c) Minimize Vector harborage to the extent practicable; and
    - d) Provide all-weather approach roads and exits.
  - 2. In addition to the requirements of (a) of this subsection, the owner or operator of Piles of Putrescible Waste, Contaminated Soils, Contaminated Dredged Material, or Waste determined by the Health Department to be likely to produce Leachate posing a threat to human health or the environment shall prepare engineering reports/plans and specifications of the surface on which the Pile(s) will be placed including an analysis

of the surface under the stresses expected during operations, and the design of the Surface Water management systems including Run-on prevention and Runoff conveyance, Storage, and Treatment. The Piles shall be designed and constructed to:

- a) Place Waste on a sealed surface, such as concrete or asphaltic concrete, to prevent soil and Ground Water contamination. The surface shall be durable enough to withstand material handling practices. The Health Department may approve other types of surfaces, such as engineered soil, if the applicant can demonstrate that the proposed surface will prevent soil and Ground Water contamination; and
  - b) Control Run-on and Runoff from a Twenty-Five-Year Storm, as defined in ICC 8.08B.030.
- D. Piles used for Storage or Treatment - Operating standards. The owner or operator of Piles used for Storage or Treatment shall:
- 1. Operate the Facility to:
    - a) Control fugitive dust;
    - b) Control access to the Pile;
    - c) Ensure that non-Permitted Waste is not accepted at the Facility;
    - d) Control Vector harborage and implement Vector control as necessary;
    - e) Ensure that Waste Piles capable of attracting birds do not pose an aircraft safety hazard; and
    - f) Control Nuisance Odors for Piles of Putrescible Waste, Contaminated Soils, or Contaminated Dredged Material.
  - 2. Inspect and maintain the Facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of Wastes to the environment or a threat to human health. Inspections shall include the engineered surface on which the Piles are placed, and the Leachate and stormwater control systems. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the Health Department as part of the Permitting process;
  - 3. Maintain daily operating records on the weights and the types of Waste received at or removed from the Facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the Health Department;

4. Shall prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the Facility's activities during the previous calendar year and shall include the following information:
  - a) Name and address of the Facility;
  - b) Calendar year covered by the report;
  - c) Annual quantity and type of Solid Waste handled by the Facility, including amounts received, amounts removed and the amount of Waste remaining at the Facility at year's end, in tons; and
  - d) Any additional information required by the Health Department or Ecology as a condition of the Permit.
5. Develop, keep and abide by a Plan of Operation approved as part of the Permitting process. The plan shall describe the Facility's operation and shall convey to the site operating Personnel that concept of operation intended by the designer. The Plan of Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each Plan of Operation shall include the following:
  - a) A description of the types of Solid Waste to be handled at the Facility;
  - b) A description of how Solid Wastes are to be handled on-site during the Facility's life including:
    - (i) The maximum amount of Waste to be stored or treated in Pile(s) at the Facility;
    - (ii) Methods of adding and removing Waste from the Pile and equipment used;
  - c) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
  - d) Safety and emergency plans;
  - e) Forms to record weights or volumes; and
  - f) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
6. Operate the Facility in conformance with the following operating standards when storing or treating Contaminated Soils or Contaminated Dredged Material:



- a) Ensure that all soils and dredged material are sufficiently characterized:
    - (i) Prior to Storage or Treatment so that Contaminants not identified, or at concentrations greater than those provided in the approved Plan of Operation are not accepted or handled at the Facility; and
    - (ii) Prior to removal to an off-site location so that all soils and dredged material that are not Clean Soils and Clean Dredged Material are delivered to a Facility that meets the requirements of chapter 70.95 RCW, Solid waste management -- Reduction and Recycling;
  - b) In addition to the daily operating records in (3) of this subsection, a record of the source of Contaminated Soils and Contaminated Dredged Material received at the Facility, Contaminants and concentrations contained, and any documentation used to characterize soils and dredged material. Records shall be maintained of end uses, including the location of final placement, for any soils or dredged material removed from the Facility that contain residual Contaminants;
  - c) In addition to the elements in (5) of this subsection, the Plan of Operation shall include:
    - (i) A description of Contaminants and concentrations in soils and dredged material that will be handled at the Facility;
    - (ii) A sampling and analysis plan and other procedures used to characterize soils and dredged material; and
    - (iii) Forms used to record the source of Contaminated Soils and Contaminated Dredged Material, Contaminant concentrations and other documentation used to characterize soils and dredged material, and end uses and the location of final placement for any soils or dredged material removed from the Facility that contain residual Contaminants;
  - d) Treatment of Contaminated Soils and Contaminated Dredged Materials shall be performed using a process that reduces or eliminates Contaminants and harmful characteristics. Contaminated Soils and Contaminated Dredged Material shall not be diluted to meet Treatment goals or as a substitute for Disposal, except for incidental dilution of minor Contaminants.
- E. Piles used for Storage or Treatment - Ground Water monitoring requirements. There are no specific Ground Water monitoring requirements for Piles used for Storage and Treatment subject to this chapter; however, Waste Piles must meet the requirements provided under ICC 8.08B.050(E).
- F. Piles used for Storage or Treatment - Closure requirements. The owner or operator of Piles used for Storage or Treatment shall:

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## **SOLID WASTE HANDLING REGULATIONS**

## **8.08B.190**

1. Notify the Health Department sixty days in advance of Closure. All Waste shall be removed from the Pile at Closure to a Facility that conforms with the applicable regulations for handling the Waste.
  2. Develop, keep and abide by a Closure Plan approved by the Health Department as part of the Permitting process. As a minimum, the Closure Plan shall include the methods of removing Waste.
- G. Piles used for Storage or Treatment - Financial assurance requirements. There are no specific financial assurance requirements for Piles used for Storage or Treatment subject to this regulation chapter; however, Waste Piles must meet the requirements provided under ICC 8.08B.050(E).
- H. Piles used for Storage or Treatment - Permit application contents. The owner or operator of Piles used for Storage or Treatment shall obtain a Permit from the Health Department. All applications for Permits shall be submitted in accordance with the procedures established in ICC 8.08B.090. In addition to the requirements of ICC 8.08B.090 and 8.08B.100, each application for a Permit shall contain:
1. The design of fire control features;
  2. Engineering reports/plans and specifications that address the design standards of subsection (C) of this section;
  3. A Plan of Operation meeting the requirements of subsection (D) of this section; and
  4. A Closure Plan meeting the requirements of subsection (F) of this section.
- I. Piles used for Storage or Treatment - Construction records. The owner or operator of Piles used for Storage or Treatment shall provide copies of the construction record drawings for engineered Facilities at the site and a report documenting Facility Construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the Health Department and Ecology. Facilities shall not commence operation until the Health Department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.200 Surface Impoundments and Tanks**

#### **A. Applicability.**

1. These standards are applicable to:
  - a) Surface Impoundments holding Solid Waste associated with Solid Waste Facilities including, but not limited to, Leachate lagoons associated with Landfills Permitted under this chapter and chapter 173-351 WAC, Criteria for

municipal solid waste landfills, and Surface Impoundments associated with Recycling, and Piles used for Storage or Treatment;

- b) Above or below ground Tanks with a capacity greater than one thousand gallons holding Solid Waste associated with Solid Waste Handling Facilities used to Store or Treat Liquid or semisolid Wastes or Leachate associated with Solid Waste Handling Facilities.

2. These standards are not applicable to:

- a) Surface Impoundments or Tanks whose Facilities are regulated under local, state or federal water pollution control permits;
- b) Leachate holding ponds at Compost Facilities regulated under ICC 8.08B.150;
- c) Septic Tanks receiving only domestic sewage from Facilities at the site;
- d) Agricultural Waste managed according to a farm management plan written in conjunction with the local conservation district;
- e) Underground Storage Tanks subject to chapter 173-360 WAC, Underground storage tank regulations; and
- f) Tanks used to Store Moderate Risk Waste subject to ICC 8.08B.220.

B. Location standards.

- 1. Surface Impoundments and Tanks shall not be located in unstable areas unless the owner or operator demonstrates that engineering measures have been incorporated in the Facility's design to ensure that the integrity of the liners, monitoring system and structural components will not be disrupted. The owner or operator shall place the demonstration in the application for a Permit.

C. Design standards.

- 1. The owner or operator of a Surface Impoundment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. In determining pond capacity, volume calculations shall be based on the Facility design, monthly water balance, and precipitation data. All Surface Impoundments shall be designed and constructed to meet the following requirements:
  - a) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners shall be at least 60-mil thick to allow for proper welding.) The Health Department may approve the use of alternative designs if the owner or operator can demonstrate during the Permitting process that the proposed design will

prevent migration of Solid Waste constituents or Leachate into the Ground or Surface Waters at least as effectively as the liners described in this subsection.

- b) Have a Ground Water monitoring system which complies with the requirements of WAC 173-350-500 or a leak detection layer. If a leak detection layer is used, it shall consist of an appropriate drainage layer underlain by a geomembrane of at least 30-mil thickness.
  - c) Have embankments and slopes designed to maintain structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation.
  - d) Have freeboard equal to or greater than eighteen inches to provide protection against wave action, overfilling, or precipitation. During the Permitting process the Health Department may reduce the freeboard requirement provided that other specified engineering controls are in place which prevent overtopping.
  - e) When constructed with a single geomembrane liner, the liner shall be tested using an electrical leak location evaluation capable of detecting a hole 3 millimeters in its longest dimension or other equivalent postconstruction test method prior to being placed in service. Results of the test shall be submitted with the construction record drawings.
  - f) Surface Impoundments that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of Liquid measured from the top of the embankment and which would be released by a failure of the containment embankment shall be reviewed and approved by the dam safety section of Ecology.
  - g) No Surface Impoundment liner shall be constructed such that the bottom of the lowest component is less than five feet (one and one-half meters) above the seasonal high level of ground water unless the owner or operator can demonstrate during the Permitting procedure that the proposed design will not be affected by contact with ground water. All Surface Impoundment liners shall be constructed such that the bottom of the lowest component is above the seasonal high level of ground water. For the purpose of this section, Ground Water includes any water-bearing unit which is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant.
2. The owner or operator of a Tank used to Store or Treat Liquid or semisolid Wastes meeting the definition of Solid Waste or Leachate, shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

- a) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the Health Department prior to being covered, enclosed or placed in use. If a Tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction of the Health Department prior to the Tank being covered or placed in use.
- b) Below Ground Tanks and other Tanks where all or portions of the Tank are not readily visible shall be designed to resist buoyant forces in areas of high Ground Water and shall either be:
  - (i) Retested for tightness at a minimum of once every two years; or
  - (ii) Equipped with a leak detection system capable of detecting a release from the Tank;
- c) For Tanks or components in which the external shell of a metal Tank or any metal component will be in contact with the soil or water, a determination shall be made by a Corrosion Expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the Tank during its operating life. This determination shall be included with design information submitted with the Permit application;
- d) Above ground Tanks shall be equipped with secondary containment constructed of, or lined with, materials compatible with the Waste being Stored and capable of containing the volume of the largest Tank within its boundary plus the precipitation from the twenty-five-year storm event as defined in WAC 173-350-100;
- e) Areas used to load or unload Tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;
- f) Tanks and piping shall be protected from impact by Vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;
- g) Tanks shall be structurally suited for the proposed use; and
- h) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.

**D. Surface Impoundments and Tanks - Operating standards.**

The owner or operator of a Surface Impoundment or Tank shall:

- 1. Operate the Facility to:
  - a) Prevent overfilling of Surface Impoundments or Tanks and maintain required freeboard;

- b) Control access to the site;
  - c) Control Nuisance Odors for Wastes or Liquids with the potential to create Nuisance Odors; and
  - d) Control birds at impoundments Storing Wastes capable of attracting birds.
2. Inspect Surface Impoundments, Tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are meeting the operational standards, unless an alternate schedule is approved by the Health Department as part of the Permitting process. In addition, Surface Impoundments shall have regular liner inspections. Their frequency and methods of inspection shall be specified in the Plan of Operation and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The inspections shall be conducted at least once every five years, unless an alternate schedule is approved by the Health Department as part of the Permitting process. The Health Department shall be given sufficient notice and have the opportunity to be present during liner inspections.
  3. Maintain daily operating records on the quantity and the types of Waste removed from the Surface Impoundment or Tank. Facility inspection reports shall be maintained in the operating record. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection upon request by the Health Department.
  4. Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st. The annual report shall detail the Facility's activities during the previous calendar year and shall include the following information:
    - a) Name and address of the Facility;
    - b) Calendar year covered by the report;
    - c) Results of Ground Water monitoring in accordance with WAC 173-350-500;
    - d) Results of leak detection system monitoring, if applicable; and
    - e) Any additional information required by the Health Department or Ecology as a condition of the Permit.
  5. Develop, keep and abide by a Plan of Operation approved as part of the Permitting process. The plan shall describe the Facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The Plan of Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each plan of operation shall include the following:

- a) A description of the types of Solid Waste to be handled at the Facility;
  - b) A description of how Wastes are handled on-site during the Facility's active life;
  - c) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs. This description shall include:
    - (i) The Ground Water monitoring system, if required;
    - (ii) The overfilling prevention equipment, including details of filling and emptying techniques;
    - (iii) The liners and embankments, Tank piping and secondary containment;
    - (iv) Safety and emergency plans;
    - (v) The forms used to record weights and volumes; and
    - (vi) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
- E. Surface Impoundments and Tanks - Ground Water monitoring requirements.
- 1. Surface Impoundments not equipped with a leak detection layer are subject to the Ground Water monitoring requirements of WAC 173-350-500.
  - 2. Surface Impoundments equipped with a leak detection layer and Tanks are not subject to the Ground Water monitoring requirements of this chapter; however, Surface Impoundments must meet the requirements provided under WAC 173-350-040(5).
- F. Surface Impoundments and Tanks - Closure requirements.
- The owner or operator of a Surface Impoundment or Tank shall:
- 1. Notify the Health Department sixty days in advance of Closure. All Waste from the Surface Impoundment or Tank shall be removed to a Facility that conforms with the applicable regulations for handling the Waste.
  - 2. Develop, keep and abide by a Closure plan approved by the Health Department as part of the Permitting process. At a minimum, the Closure plan shall include the methods of removing Waste.
- G. Surface Impoundments and Tanks - Financial assurance requirements.
- There are no specific financial assurance requirements for Surface Impoundments or Tanks subject to this chapter; however, Surface Impoundments and Tanks must meet the requirements provided under WAC 173-350-040(5).



**H. Surface Impoundments and Tanks - Permit application contents.**

1. The owner or operator of a Surface Impoundment or Tank shall obtain a Solid Waste Permit from the Health Department. All applications for Permits shall be submitted in accordance with the procedures established in WAC 173-350-710 and chapter 8.08B ICC. In addition to the requirements of WAC 173-350-710, WAC 173-350-715 and chapter 8.08B ICC, each application for a Permit shall contain:
  - a) Engineering reports/plans and specifications that address the design standards of subsection C of this section;
  - b) A Plan of Operation meeting the requirements of subsection D of this section;
  - c) For Surface Impoundments not equipped with a leak detection layer, hydrogeologic reports and plans that address the requirements of subsection E of this section;
  - d) A Closure plan meeting the requirements of subsection F of this section.

**I. Surface Impoundments and Tanks - Construction records.**

The owner or operator of a Surface Impoundment or Tank shall provide copies of the construction record drawings for engineered Facilities at the site and a report documenting Facility Construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the Health Department and Ecology. Facilities shall not commence operation until the Health Department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.210 Waste Tire Storage and Transportation**

- A. Waste Tire Storage and Transportation – Sites in excess of one hundred (100) Waste Tires but less than eight hundred (800) Waste Tires – Disposal. Waste Tires meeting the definition of ICC.8.08B.030 shall be disposed of at an Island County or Washington State Permitted Storage site. At no time may a Person drop, deposit, discard, or otherwise dispose of Vehicle tires on any public property or private property or in the waters of this state. Accumulation of Waste Tires in excess of one hundred (100) requires a Waste Tire Storage Permit from the Health Department. The requirement for a Permit to store more than one hundred (100) Waste Tires does not apply to Waste Tires utilized in a recognized agricultural, recreational, industrial or Commercial use.

Any Person who violates this section shall be subject to a penalty as described in section 70.95.560 RCW and ICC 8.08.440, Violations and Penalties.

- B. Waste Tire Storage and Transportation – Sites in excess of one hundred (100) Waste Tires but less than eight hundred (800) Waste Tires – Permit

The owner and/or operator of a Waste Tire Storage yard of one hundred (100) or more Waste Tires is required to apply to the Health Department for an Island County Waste Tire Storage Permit.

1. Each Pile of tires shall not be greater than ten (10) feet in height.
2. Piles of tires shall not be within twenty (20) feet of a property line or right-of-way, or within sixty (60) feet of a building or structure.
3. Piles of tires shall not be in excess of forty (40) feet in any horizontal dimension.
4. There shall be a minimum separation of twenty (20) feet between Piles of tires and such separation shall be free of rubbish, equipment and other materials at all times.
5. Access to the tire Pile must be controlled by fencing of at least six (6) feet in height surrounding the tire Storage yard and built in a manner as to obstruct the view of the tire Storage yard.
6. Records of number of Waste Tires received and shipped must be kept at the Facility and available upon request by the Health Officer.

- C. Waste Tire Storage and Transportation – Sites in excess of one hundred (100) Waste Tires but less than eight hundred (800) Waste Tires – Storage sites and Waste Tire carriers. Waste Tire Storage sites must contact a licensed Waste Tire carrier and dispose of the Waste Tires at one of the following locations:

1. A business that is actively retreading or Recycling tires and if required under conditions set forth in 173-350-350 WAC has a Washington State Department of Ecology approved Waste Tire Storage Site Owner License.
2. A county Permitted Waste Tire Storage Facility that has a Washington State Department of Ecology approved Waste Tire Storage Site Owner License.

- D. Waste Tire Storage and Transportation – Sites in excess of eight hundred (800) tires.

Owner or operators of Waste Tire Storage sites with greater than eight hundred (800) Waste Tires shall obtain a Permit from the Health Department, obtain a license from Ecology and follow the requirements outlined in WAC 173-350-350 and sections 70.95.555 RCW and 70.95.263 RCW.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.220 Moderate Risk Waste Handling****A. Moderate Risk Waste handling - Applicability.**

1. This section is applicable to:
  - a) Any Facility that accepts segregated Solid Waste categorized as Moderate Risk Waste (MRW), as defined in ICC 8.08B.030;
  - b) Persons transporting MRW using only a bill of lading (MRW that is not shipped using a uniform hazardous waste manifest) who Store MRW for more than ten days at a single location; and
  - c) Mobile Systems and Collection Events.
2. This section is not applicable to:
  - a) Persons transporting MRW managed in accordance with the requirements for shipments of manifested Dangerous Waste under WAC 173-303-240;
  - b) Universal Waste regulated under chapter 173-303 WAC; and
  - c) Conditionally Exempt Small Quantity Generators managing their own Wastes in compliance with the performance standards of ICC 8.08B.050 and WAC 173-303-070 (8)(b).

**B. Mobile Systems and Collection Events.** In accordance with section 70.95.305 RCW, the operation of Mobile Systems and Collection Events are subject solely to the requirements of (1) through (14) of this subsection and are exempt from Solid Waste Handling Permitting. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a Permit from the Health Department and shall comply with the applicable requirements for a Moderate Risk Waste handling Facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties. Owners and operators of Mobile Systems and Collection Events shall:

1. Notify Ecology and the Health Department of the intent to operate a mobile system or collection event at least thirty days prior to commencing operations. The notification shall include a description of the types and quantities of MRW to be handled;
2. Manage mobile systems or collection events in compliance with the performance standards of ICC 8.08B.050;
3. Record the weights or gallons of each type of MRW collected, number of households and Conditionally Exempt Small Quantity Generators served, and type of final disposition (e.g., reuse, recycled, Treatment, Energy Recovery, or Disposal). Records shall be maintained for a period of five years and will be made available to Ecology or the Health Department on request;

4. Ensure that the MRW at a mobile system or collection event is handled in a manner that:
  - a) Prevents a spill or release of Hazardous Substances to the environment;
  - b) Prevents exposure of the public to Hazardous Substances; and
  - c) Results in delivery to a Facility that meets the performance standards of ICC 8.08B.050;
5. Ensure that Incompatible Wastes are not allowed to come into contact with each other;
6. Ensure that Containers holding MRW remain closed except when adding or removing Waste in order to prevent a release of MRW through evaporation or spillage if overturned;
7. Ensure that Containers holding MRW have legible labels and markings that identify the Waste type;
8. Ensure that Containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);
9. Ensure that Personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill;
10. Control public access and prevent unauthorized entry;
11. Prepare and submit a copy of an annual report to Ecology and the Health Department by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the collection activities during the previous calendar year and shall include the following information:
  - a) Name of owner or operator, and locations of all collection sites;
  - b) Calendar year covered by the report;
  - c) Annual quantity and type of MRW, in pounds or gallons by Waste type;
  - d) Number of households and CESQGs served;
  - e) Type of final disposition (e.g., reuse, recycled, Treatment, Energy Recovery, or Disposal); and
  - f) Any additional information required by written notification of the Health Department or Ecology;
12. Allow inspections by Ecology or the Health Department at reasonable times;

13. Notify Ecology and the Health Department of any failure to comply with the terms and conditions of this subsection within twenty-four hours; and
  14. Mobile collection systems using truck or trailers with concealed construction, permanently attached to a chassis may require a Commercial coach insignia if subject to chapter 296-150C WAC, administered by the Department of Labor and Industries.
- C. Limited MRW Facilities and Product Take-Back Centers. In accordance with section 70.95.305 RCW, the operation of Limited MRW Facilities is subject solely to the requirements of (1) through (9) of this subsection and is exempt from Solid Waste Handling Permitting. Product Take-Back Centers are only subject to (2), (5) and (6) of this subsection. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a Permit from the Health Department and shall comply with the applicable requirements for an MRW Facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of section 70.95.315 RCW and ICC 8.08B.440, Violations and Penalties. Owners and operators of Limited MRW Facilities shall:
1. Notify Ecology and the Health Department within thirty days prior to operation of the intent to operate a Limited MRW Facility with a description of the type and quantity of MRW to be handled;
  2. Ensure Waste at a Limited MRW Facility or Product Take-Back Center is handled in a manner that:
    - a) Prevents a spill or release of Hazardous Substances to the environment;
    - b) Prevents exposure of the public to Hazardous Substances; and
    - c) Results in delivery to a Facility that meets the performance standards of ICC 8.08B.050;
  3. Ensure that Containers and Tanks holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);
  4. Provide secondary containment for Containers and Tanks capable of storing fifty-five gallons or more of Liquid MRW;
  5. Ensure the Facility meets the performance standards of ICC 8.08B.050;
  6. Notify Ecology and the Health Department of any failure to comply with the terms and conditions of this subsection within twenty-four hours of knowledge of an incident;
  7. Allow inspections by Ecology and the Health Department at reasonable times;

8. Maintain records of the amount and type of MRW received, and the final Disposition of the MRW by amount and type; and
  9. Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st on forms supplied by the Health Department or Ecology. The annual report shall cover the Facility's activities during the previous calendar year and shall include the following information:
    - a) Name and address of the Facility;
    - b) Calendar year covered by the report;
    - c) Annual quantity and type of MRW, in pounds or gallons by Waste type;
    - d) Number of households and CESQGs served;
    - e) Type of final disposition (e.g., reuse, recycled, Treatment, Energy Recovery, or Disposal); and
    - f) Any additional information required by written notification of the Health Department or Ecology.
- D. Moderate Risk Waste Facilities - Location standards. There are no specific location standards for Moderate Risk Waste Facilities subject to this chapter; however, Moderate Risk Waste Facilities must meet the requirements provided under ICC 8.08B.050(E).
- E. Moderate Risk Waste Facilities - Design standards.
1. The owner or operator of a Moderate Risk Waste Facility shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards. Each MRW Facility shall:
    - a) Be surrounded by a fence, walls, or natural features and provided with a lockable door or gate to control public and animal access;
    - b) Be constructed of materials that are chemically compatible with the MRW handled;
    - c) Provide secondary containment to capture and contain releases and spills, and facilitate timely cleanup in areas where MRW is handled. All secondary containment shall:
      - (i) Have sufficient capacity to:
        - (1) Contain ten percent of volume of all Containers or Tanks holding Liquid or the total volume of the largest Container holding Liquids in the area, whichever is greater;

- (2) Provide additional capacity to hold the precipitation from a Twenty-Five-Year Storm as defined in ICC 8.08B.030, in uncovered areas; and
    - (3) Provide additional capacity to hold twenty minutes of flow from an automatic fire suppression system, where such a suppression system exists;
  - (ii) Be segregated for Incompatible Wastes; and
  - (iii) Have a base underlying the Containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, accumulated precipitation, or fire suppression materials until the collected material is detected and removed. The base shall be sloped or the containment system shall otherwise be designed and operated to drain and remove Liquids resulting from leaks, spills, precipitation, or fire suppression unless the Containers are elevated or are otherwise protected from contact with accumulated Liquids;
  - d) Be accessible by all-weather roads;
  - e) Prevent Run-on and control Runoff from a Twenty-Five-Year Storm, as defined in ICC 8.08B.030;
  - f) Provide a sign at the site entrance that identifies the Facility and shows at least the name of the site, and if applicable, hours during which the site is open for public use, and acceptable materials;
  - g) Provide sufficient ventilation to remove Toxic vapors and dust from the breathing zone of workers and prevent the accumulation of flammable or combustible gases or fumes that could present a threat of fire or explosion;
  - h) Be constructed with explosion-proof electrical wiring, fixtures, lights, motors, switches and other electrical components as required by local fire code or the Department of Labor and Industries;
  - i) Provide electrical grounding in areas where flammable and combustible Liquids are consolidated to allow for bonding to consolidation equipment; and
  - j) Provide protection of the MRW handling areas from wind, rain or snow.
2. The owner or operator of a Tank used to store or treat MRW shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:

- a) Tanks and ancillary equipment shall be tested for tightness using a method acceptable to the Health Department prior to being covered, enclosed or placed in use. If a Tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system shall be performed and verified to the satisfaction of the Health Department prior to the Tank being covered or placed in use;
  - b) Below Ground Tanks shall be designed to resist buoyant forces in areas of high Ground Water and shall either be:
    - i) Retested for tightness at a minimum of once every two years; or
    - ii) Equipped with a leak detection system capable of detecting a release from the Tank;
  - c) For Tanks or components in which the external shell of a metal Tank or any metal component will be in contact with the soil or water, a determination shall be made by a Corrosion Expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the Tank during its operating life. This determination shall be included with design information submitted with the Permit application;
  - d) Areas used to load or unload Tanks shall be designed to contain spills, drippage and accidental releases during loading and unloading of vessels;
  - e) Tanks and piping shall be protected from impact by Vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;
  - f) Tanks shall be structurally suited for the proposed use; and
  - g) Tanks, valves, fittings and ancillary piping shall be protected from failure caused by freezing.
3. Prefabricated structures with concealed construction shall meet the requirements of chapter 296-150F WAC, Factory-built housing and commercial structures, administered by the Department of Labor and Industries.
- F. Moderate Risk Waste Facilities - Operating standards. The owner or operator of a MRW Facility shall:
- 1. Manage MRW handling activities and Facilities so that:
    - a) Each Storage area is marked with signs to clearly show the type of MRW to be stored in that area;
    - b) Incompatible MRW and materials shall not be mixed together or allowed to come into contact with each other;



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- c) MRW shall be compatible with the containment system;
  - d) Containers or Tanks are closed except when adding or removing MRW in order to prevent a release of MRW through evaporation or spillage if overturned;
  - e) All Containers or Tanks have visible and legible labels or markings that identify the MRW type and are visible for inspection;
  - f) Containers of MRW shall be stored in a manner that allows for easy access and inspection. Drums containing MRW shall have at least one side with a minimum of thirty inches clear aisle space;
  - g) Containers holding MRW are maintained in good condition including, but not limited to, no severe rusting or apparent structural defects;
  - h) Uniform hazardous Waste manifests are prepared and used at the point where possession of the MRW is given to a Commercial registered Dangerous Waste transporter for shipments of MRW destined for out-of-state locations. This shall be completed in accordance with WAC 173-303-180;
  - i) Public access is restricted to areas identified in the Plan of Operation and unauthorized entry is prevented;
  - j) Communication capabilities are provided to summon fire, police, or emergency service Personnel;
  - k) Flammable or explosive gases do not exceed ten percent of the lower explosive limit in the area where MRW is handled. An explosive gas monitoring program shall be implemented to ensure that this standard is achieved;
  - l) MRW is delivered to a Facility that meets the performance standards of ICC 8.08B.050;
  - m) Personnel responsible for routine inspections and operations are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill; and
  - n) The Health Department and Ecology are notified of any spills or discharges of MRW to the environment.
2. Ensure that routine and annual inspections are conducted as follows:
- a) Routine inspections shall be conducted at least weekly or once each operating day, whichever is more frequent, unless an alternate schedule is approved by the Health Department as part of the Permitting process. Routine inspections shall be performed for:

- (i) Operating hazards;
  - (ii) Presence of operable safety equipment;
  - (iii) Container integrity; and
  - (iv) General Facility condition;
- b) Annual inspections shall be conducted to determine the condition of:
  - (i) Secondary containment systems including all readily accessible below floor space, sumps, and Tanks for deterioration and evidence of containment failure; and
  - (ii) All ventilation and flammable vapor monitoring systems.
- 3. Maintain daily operating records of the weights or gallons of each type of MRW collected and the number of households and CESQGs served. Facility inspection reports shall be maintained in the operating record, including at least the date and time of the inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the Plan of Operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available for inspection at the request of the Health Department.
- 4. Prepare and submit a copy of an annual report to the Health Department and Ecology by April 1st on forms supplied by the Health Department or Ecology. The annual report shall detail the Facility's activities during the previous calendar year and must include the following information:
  - a) Name and address of the Facility and locations of all collection sites;
  - b) Calendar year covered by the report;
  - c) Annual quantity and type of MRW, in pounds or gallons;
  - d) Number of households and CESQGs served;
  - e) Type of final disposition (e.g., reuse, recycled, Treatment, Energy Recovery, or Disposal) by type of MRW;
  - f) Applicable financial assurance reviews and audit findings in accordance with ICC 8.08B.370; and
  - g) Any additional information required by the Health Department or Ecology as a condition of the Permit.
- 5. Develop, keep and abide by a Plan of Operation approved as part of the Permitting process. The plan shall describe the Facility's operation and shall convey to site operating Personnel the concept of operation intended by the designer. The Plan of

Operation shall be available for inspection at the request of the Health Department. If necessary, the plan shall be modified with the approval, or at the direction of the Health Department. Each Plan of Operation shall include the following:

- a) A description of the types of Solid Wastes to be handled at the Facility;
- b) A description of how MRW will be handled on-site during the active life of the Facility including:
  - (i) Methods for managing and/or identifying unknown Wastes;
  - (ii) Procedures for managing Wastes that arrive in corroded or leaking Containers or when MRW is left at the gate when the Facility is unattended;
  - (iii) Protocol for sorting, Processing and packaging MRW;
  - (iv) Procedures to protect Containers of MRW susceptible to damage from weather and temperature extremes;
  - (v) Maximum quantities of MRW to be safely stored in each area at any time;
  - (vi) Waste acceptance protocol to preclude and redirect fully regulated Dangerous Waste and any unacceptable Waste types, such as explosives and/or radioactives; and
  - (vii) For Facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated;
- c) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;
- d) Safety and emergency plans including:
  - (i) A list of all on-site emergency equipment with its capability, purpose, and training requirements;
  - (ii) A description of actions to take if leaks in Containers, Tanks, or containment structures are suspected or detected and for other releases (e.g., failure of Runoff containment system, gases generated due to chemical reactions or rapid volatilization);
- e) The forms used to record weights and volumes; and

- f) Other such details to demonstrate that the Facility will be operated in accordance with this subsection and as required by the Health Department.
- G. Moderate Risk Waste Facilities - Ground Water monitoring requirements. There are no specific Ground Water monitoring requirements for MRW Facilities subject to this chapter; however, Moderate Risk Waste Facilities must meet the requirements provided under ICC 8.08B.050(E).
- H. Moderate Risk Waste Facilities - Closure requirements. The owner or operator of a Moderate Risk Waste Facility shall:
  - 1. Notify the Health Department, and where applicable, the financial assurance instrument provider, no later than one hundred eighty days prior to the projected date of the final receipt of MRW, of the intent to implement the Closure Plan in part or whole. The Facility shall close in a manner that:
    - a) Minimizes the need for further maintenance;
    - b) Removes all MRW and ensures delivery of the MRW to a Facility that conforms with the applicable regulations for handling the Waste;
    - c) Decontaminates all areas where MRW has been handled, including, but not limited to, secondary containment, buildings, Tanks, equipment, and property; and
    - d) Prepares the Facility for remedial measures after Closure, if required.
  - 2. Commence Closure activities in part or whole within thirty days following the receipt of the final volume of MRW. Waste shall not be accepted for Disposal or for use in Closure.
  - 3. At Facility Closure completion, in part or whole, submit the following to the Health Department:
    - a) Certification by the owner or operator, and a professional engineer licensed in the state of Washington that the site has been closed in accordance with the approved Closure Plan; and
    - b) A Closure report signed by the Facility owner or operator and the certifying engineer that describes:
      - (i) Actions taken to determine if there has been a release to the environment; and
      - (ii) The results of all inspections conducted as part of the Closure procedure.

4. Keep and abide by a Closure Plan approved by the Health Department as part of the Permitting process. At a minimum, the Closure Plan shall include:
    - a) A description of the activities and procedures that will be used to ensure compliance with this subsection;
    - b) An estimate of the maximum volume of MRW on-site at any time during the active life of the Facility; and
    - c) Closure cost estimates and projected fund withdrawal intervals from the financial assurance instrument, if such an instrument is required by subsection (I) of this section.
  5. The Health Department shall notify the owner or operator, Ecology and the financial assurance instrument provider, of the date when the Health Department has verified that the Facility has been closed in accordance with the specifications of the approved Closure Plan.
- I. Moderate Risk Waste Facilities - Financial assurance requirements.
1. The owner or operator of any fixed Moderate Risk Waste Facility that Stores more than nine thousand gallons of MRW on-site, excluding Used Oil, is required to establish financial assurance in accordance with ICC 8.08B.370.
  2. Proof of financial assurance shall be provided to the Health Department prior to the acceptance of any MRW. The financial assurance instrument shall provide sufficient funds to guarantee that all Closure requirements are met. In the event that Hazardous Substances are released to the environment and site remediation is necessary, additional financial assurance shall be provided in order that site remediation can be accomplished.
  3. Nothing in this section shall prevent an owner or operator from including the cost of MRW Facility financial assurance in an instrument established for a colocated Permitted Solid Waste Facility so long as there are adequate funds available for both Closure activities and the instrument identifies the commitment of funds for both activities.
- J. Moderate Risk Waste Facilities - Permit application contents. The owner or operator of a MRW Facility shall obtain a Solid Waste Permit from the Health Department. All applications for Permits shall be submitted in accordance with the requirements established in ICC 8.08B.090. In addition to the requirements of ICC 8.08B.090 and 8.08B.100, each application for a Permit shall contain:
1. Engineering reports/plans and specifications that address the design standards of subsection (E) of this section;

2. A Plan of Operation meeting the requirements of subsection (F) of this section;
  3. A Closure Plan meeting the requirements of subsection (H) of this section; and
  4. Documentation as needed to meet the financial assurance requirements of subsection (I) of this section.
- K. Moderate Risk Waste Facilities - Construction records. The owner or operator of a Moderate Risk Waste Facility shall provide copies of the construction record drawings for engineered Facilities at the site and a report documenting Facility Construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the Health Department and Ecology. Facilities shall not commence operation until the Health Department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.230 Limited Purpose Landfills**

Limited Purpose Landfill Facilities shall be designed and operated in a manner that conforms to WAC 173-350-400.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.240 Inert Waste Landfills**

Inert Waste Landfill facilities shall be designed and operated in a manner that conforms to WAC 173-350-410.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.250 Criteria for Inert Waste**

A. Criteria for Inert Waste – Applicability.

1. This section provides the criteria for determining if a Solid Waste is an Inert Waste. Dangerous Wastes regulated under chapter 173-303 WAC, Dangerous waste regulations; Polychlorinated Biphenyl (PCB) Wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; and Asbestos-Containing Waste Material regulated under federal 40 CFR Part 61 rules are not Inert Waste. For the purposes of determining if a Solid Waste meets the criteria for an Inert Waste a person shall:
  - a) Apply knowledge of the Waste in light of the materials or process used and potential chemical, physical, biological, or radiological substances that may be present; or

- b) Test the Waste for those potential substances that may exceed the applicable criteria. The Health Department may require a Person to test a Waste to determine if it meets the applicable criteria. Such testing may be required if the Health Department has reason to believe that a Waste does not meet the applicable criteria or has not been adequately characterized. Testing shall be performed in accordance with:
  - (i) "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*," U.S. EPA Publication SW-846; or
  - (ii) Other testing methods approved by the Health Department.

**B. Criteria for Inert Waste - Listed Inert Wastes.**

- 1. For the purpose of this chapter, the following Solid Wastes are Inert wastes, provided that the Waste has not been tainted, through exposure from chemical, physical, biological, or radiological substances, such that it presents a threat to human health or the environment greater than that inherent to the material:
  - a) Cured concrete that has been used for structural and construction purposes, including embedded steel reinforcing and wood, that was produced from mixtures of Portland cement and sand, gravel or other similar materials;
  - b) Asphaltic materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of petroleum asphalt and sand, gravel or other similar materials. Waste roofing materials are not presumed to be inert;
  - c) Brick and masonry that have been used for structural and construction purposes;
  - d) Ceramic materials produced from fired clay or porcelain;
  - e) Glass, composed primarily of sodium, calcium, silica, boric oxide, magnesium oxide, lithium oxide or aluminum oxide. Glass presumed to be inert includes, but is not limited to, window glass, glass containers, glass fiber, glasses resistant to thermal shock, and glass-ceramics. Glass containing significant concentrations of lead, mercury, or other Toxic substance is not presumed to be inert; and
  - f) Stainless steel and aluminum.

**C. Criteria for Inert Waste - Inert Waste Characteristics.**

- 1. This subsection provides the criteria for determining if a Solid Waste not listed in subsection B of this section is an Inert Waste. Solid Wastes meeting the criteria below shall have comparable physical characteristics and comparable or lower level of risk to human health and the environment as those listed in subsection B of this section.

- a) Inert Waste shall have physical characteristics that meet the following criteria. Inert Waste shall:
  - (i) Not be capable of catching fire and burning from contact with flames;
  - (ii) Maintain its physical and chemical structure under expected conditions of Storage or Disposal including resistance to biological and chemical degradation; and
  - (iii) Have sufficient structural integrity and strength to prevent settling and unstable situations under expected conditions of Storage or Disposal.
- b) Inert Waste shall not contain chemical, physical, biological, or radiological substances at concentrations that exceed the following criteria. Inert Waste shall not:
  - (i) Be capable of producing Leachate or emissions that have the potential to negatively impact soil, Ground Water, Surface Water, or air quality;
  - (ii) Pose a health threat to humans or other living organisms through direct or indirect exposure; or
  - (iii) Result in applicable Air Quality Standards to be exceeded, or pose a threat to human health or the environment under potential conditions during handling, Storage, or Disposal.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

#### **8.08B.260 Other Methods of Solid Waste Handling**

- A. Other methods of Solid Waste Handling - Applicability. This section applies to other methods of Solid Waste Handling not specifically identified elsewhere in this regulation, nor excluded from this regulation.
- B. Other methods of Solid Waste Handling - Requirements. Owners and operators of Solid Waste Handling Facilities subject to this section shall:
  - 1. Comply with the requirements in ICC 8.08B.050; and
  - 2. Obtain a Permit in accordance with the provisions of ICC 8.08B.080 from the Health Department. Permit applications shall be submitted in accordance with the provisions of ICC 8.08B.090 and shall include information required in ICC 8.08B.100, and any other information as may be required by the Health Department.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)



**8.08B.270 Ground Water Monitoring**

Owners and operators of Landfills, Piles, and Surface Impoundments that are required to perform Ground Water monitoring under chapter 173-350 WAC must comply with the Ground Water monitoring requirements of WAC 173-350-500.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.280 Standards for Utilization of Biosolids and Septage As a Soil Amendment**

A. State Documents Adopted by Reference. Municipal and Domestic Sludge Utilization Guidelines, Department of Ecology WDOE 82-11, effective October 1982 and Best Management Practices for Use of Municipal Sewage Sludge WDOE 82-12, effective September 1982, and Guidance for Writing Case-by-Case Permit Requirements for Municipal Sewage Sludge, Environment Protection Agency, May 1990, are hereafter amended and adopted by reference.

B. Permit. A Permit for land Utilization of Biosolids is required. Applications shall be on forms provided by the Health Officer and submitted to the Health Department. All applications shall be signed by the applicant, lessee, if any, and the property owner. This includes short-term sites, one-time only sites, and dedicated sites.

Non-contiguous parcels of land with a single owner, lessee or applicant shall be treated as separate sites requiring separate Permits.

Application may be approved, denied or conditioned by the Health Officer. The decision may be based on criteria established within the "Best Management Practice Manual" and "Municipal and Domestic Sludge Utilization Guidelines" published by the Washington State Department of Ecology. Biosolids shall be applied at Agronomic Rates or at a rate specified by the Health Officer on a case-by-case basis.

C. Biosolids Management Plan. All Biosolids generators within Island County must submit a Residual Solids Management Plan and/or a Biosolids Management Plan describing handling, solids contents, Utilization, Disposal, contingency plan, expected Biosolids generated, and previous sampling results, annually to the Health Department for approval. The plan must be reviewed and updated annually by the generator and be consistent with the Island County Solid Waste Management Plan.

D. Setback. Setbacks will be from the ordinary high-water mark. This means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as the condition exists, or as it may naturally change thereafter: PROVIDED, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

Setbacks for Biosolids applications will be considered on a case-by-case basis. The following Setbacks shall be used as a guideline:

1. Marine water and freshwater: 200 feet
  2. Seasonal streams: 100 feet
  3. Dwellings, Subdivisions, Schools, Playgrounds: 100-300 feet
  4. Property lines: 30 feet
  5. Drinking water wells and springs: 200-1500 feet
  6. Irrigation wells not utilized for domestic purposes: 100 feet
  7. Water table vertical separation: 3 feet
- E. Access Control. Biosolids Utilization sites shall be posted: "CAUTION DO NOT ENTER BIOSOLIDS UTILIZATION SITE." These signs shall be posted at a minimum interval of 300 feet on all property lines which border public roads, or other property which might provide access by the general public. Such signs shall remain in place for at least 12 months following the final Biosolids application unless the area used Biosolids processed in accordance with WDOE 82-12 appendix part "B."
- F. Monitoring.
1. Soil Monitoring. Land Application Sites are required to conduct soil sampling prior to Biosolids application. The soil should not be Contaminated with manure, Biosolids, lime, fertilizer, or other substances. Parameters for soil monitoring will include but not limited to: pH, total nitrogen, copper, zinc, cadmium, chromium, lead, cation exchange capacity, phosphorus and potassium. Requirements for annual soil monitoring will be on a case-by-case basis and will continue once application of Biosolids has ceased. Dedicated land Disposal sites and Land Reclamation sites and Land Reclamation sites may be required to conduct additional soil monitoring.
  2. Ground and Surface Water. Monitoring may be required to ensure that an application site is not contaminating the Ground Water aquifer or causing non-point source pollution of Surface Waters.  
  
To establish a water quality baseline prior to Biosolids application a minimum of three (3) nitrates and one (1) bacteriological sampling is required of nearby wells with annual sampling thereafter. Wells to be monitored will be determined by the Health Department.
  3. Biosolids Characteristics. Sludges must be analyzed to determine nutrient values and heavy metals prior to land application. The Biosolids analysis must have been taken within the past twelve months and represent the Biosolids proposed for land application. The analysis must include the following parameters: pH, percent solids,

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total nitrogen, ammonia nitrogen, nitrate nitrogen, inorganic nitrogen, total phosphorus, total potassium, cadmium, copper, lead, nickel, and zinc. Other parameters may be required by the Health Officer.

4. Vegetation Monitoring. Land Disposal sites may require monitoring of the food chain vegetation being grown on the site for potentially harmful quantities of heavy metals.
- G. Wet Soils. Biosolids will not be applied when the soil is saturated, frozen or snow covered. The Biosolids generator may be required to have adequate Storage area to contain the Biosolids until it can be applied. The Biosolids containment area must meet the requirements of ICC 8.08B and chapter 173-350 WAC.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.290 Certified Landfill Operators**

Effective January 1, 1992 operators of Solid Waste incinerators and Landfill Facilities are required to obtain state certification. After June 21, 2004, the following Facilities must operate with an on-site Certified Landfill Operator in responsible charge during all hours of operations: Municipal Solid Waste Landfills, Problem Waste Landfills, Special incinerator ash Landfills or monofills, Inert Waste Landfills, Demolition Waste Landfills, Limited Purpose Landfills, and any applicable Landfills as required by chapter 173-300 WAC.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.300 Animal Waste Handling**

Animal Waste, including but not limited to manures, dead animals, and Agricultural Wastes, shall be disposed of in a manner consistent with Chapter 246-203 WAC, General sanitation, or other method approved by the Health Officer.

- A. Dead Animals. Dead animals shall be disposed of in a manner consistent with WAC 246-203-121, Disposal of dead animals.
- B. Agricultural Waste. Agricultural Waste shall be Disposed in a manner consistent with 246-203 WAC, General sanitation, and chapter 173-350 WAC, Solid waste handling standards.
- C. Dog Droppings. Dog droppings shall be Disposed of in a manner which does not create a Nuisance and is not in conflict with chapter 246-203 WAC, General sanitation.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.310 Asbestos-Containing Waste Handling**

- A. Asbestos-Containing Waste. Asbestos-Containing Waste, as defined in ICC 8.08B.030, shall be handled and disposed pursuant to 40 CFR 61, chapter 173-303 WAC, Section 570 Northwest Clean Air Agency (NWCAA), Labor and Industries requirements chapter 296-62 WAC and chapter 296-65 WAC, and National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations.

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- B. Removal. Persons removing Asbestos Containing Waste material shall contact NWCAA for information and instruction concerning removal and Disposal. Asbestos-Containing Waste material must be wetted down during removal to reduce airborne emissions of particulate matter. The wet Asbestos Wastes shall be sealed into leakproof Containers, or placed in one or more plastic bags with a combined thickness of six (6) mils or greater and identified with the proper warning label.
- C. Disposal. Generators of regulated Asbestos Containing Waste material shall contact the Health Officer before transporting Asbestos Waste to an approved Asbestos Waste Disposal site. The Asbestos-Containing Waste material shall be disposed in accordance with NWCAA Section 570.8, 40 CFR 61.156, and NESHAP.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.320 Bulky Waste**

Bulky Wastes shall be stored and transported in such a manner so as not to create a Nuisance or safety hazard. Bulky Waste should be recycled if feasible. If Recycling is not feasible, these Wastes shall be taken directly to an appropriately Permitted Disposal site.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.330 Biomedical Waste**

- A. Biomedical Waste Management Plan. Each Biomedical Waste Generator (BWG) and Biomedical Waste Storage/Treatment operator (BWSTO) shall develop a written Biomedical Waste management plan with an internal annual review. The plan shall include all aspects of the BWG's or BWSTO's Biomedical Waste management. The plan must be followed by the BWG and BWSTO. The plan must include a listing of the BWG's or BWSTO's Biomedical Control Staff/Committee member(s), phone numbers of responsible individuals, definitions of Wastes handled by the system, department and individual responsibilities, procedures for Waste identification, segregation, containment, transport, Treatment, Treatment monitoring, Disposal, contingency planning, staff/housekeeping training for Biomedical Waste identification, when applicable, and compliance with Biomedical Waste regulations. The plan must be approved by the chief executive officer of the Facility. The plan shall be available for inspection at the request of the Health Officer.
- B. Storage and Containment of Biomedical Waste.
1. Storage of Biomedical Waste shall be in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents; and is accessible only to Personnel authorized in the Biomedical Waste Generator's Biomedical Waste management plan.
  2. Biomedical Wastes shall be segregated by separate containment from Other Waste at the point of origin.

3. Biomedical Waste, except for Sharps, shall be contained in disposable leakproof red plastic bags with a minimum thickness of two (2) mils, and have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be appropriately marked by the generator as containing Biomedical Waste. The bags shall be secured to prevent leakage or expulsion of Solid or Liquid Waste during Storage, handling or transport. Bags are not recommended for Biomedical Waste that cannot be secured.
4. Sharps Waste must be contained in leakproof, rigid, puncture resistant, break resistant, labeled Containers with lids secured in such a manner to prevent spills during Storage, handling and transport.
5. Biomedical Waste contained in disposable bags as described in ICC 8.08B.330.B.3 shall be placed for Storage, handling or transport in Containers such as disposable or Reusable pails, cartons, boxes, drums, or portable bins. The Containers shall be conspicuously labeled with the international biohazard symbol, labeled to clearly denote the presence of Biomedical Waste (e.g. "Biomedical Waste" or "Infectious Waste") or words that clearly denote the presence of Biomedical Waste.
6. Liquid Wastes shall be segregated into leakproof, labeled, Containers that are capable of transporting without spillage, leakage or breakage.
7. Reusable Containers.
  - a) Reusable Containers for Biomedical Waste Storage, handling or transport shall be thoroughly washed and decontaminated by an approved method each time they are emptied, unless the surfaces of Containers have been completely protected from contamination by disposable bags, liners, or other devices removed with the Waste.
  - b) Approved methods of decontamination include agitation, to remove visible solid residue, combined with one of the following procedures:
    - (i) Chemical disinfection. Chemical disinfectants should be used in accordance with the manufacturer's recommendations for tuberculicidal and viracidal (Polio type 1 or 2, SA Rotovirus) killing capacities or the disinfectant concentration/contact times approved in writing by the Health Officer.
    - (ii) Other methods approved in writing by the Health Officer.
  - c) Reusable pails, drums, or bins used for containment of Biomedical Waste shall not be used for any other purpose except after being disinfected by procedures described in this section and after the international biohazard symbol and labels are removed.

8. Trash chutes shall not be used to transfer Biomedical Waste.
  9. Unless approved in writing by the Health Officer, Biomedical Waste other than Sharps Waste shall be treated in accordance with 8.08B.330.B.3 within eight (8) days if said Waste is stored at temperatures exceeding thirty-two degrees Fahrenheit (32°F) or zero degrees centigrade (0°C), or within thirty (30) days if said Waste is stored at temperatures at or below thirty-two degrees Fahrenheit (32°F) or zero degrees centigrade (0°C) commencing from the time of generation. Treated Sharps Waste shall be<sup>6A</sup> transported as described in Section 8.08B.110 within ninety (90) days commencing from the time of generation. Sharps Waste treated by Incineration shall be treated within ninety (90) days commencing from the time of generation.
  10. Biomedical Waste shall not be subject to compaction prior to Treatment.
  11. Biomedical Waste shall not be placed into the general Solid Waste stream prior to Treatment.
  12. Treated Biomedical Waste shall be disposed of in bags as described in section ICC 8.08B.330.B.3 when disposing at a Solid Waste Facility.
  13. At no time shall treated Sharps Waste be Disposed into the general Solid Waste stream, unless approved in writing by the Health Officer.
    - a) Treated Sharps Waste shall be transported separately from the general Solid Waste stream in approved sharps Container for Disposal at the sanitary Landfill or other Facility approved in writing by the Health Officer.
    - b) The transporter of treated Sharps Waste must notify the Disposal site operator prior to transporting the Sharps Waste to allow for adequate site preparation and staff availability. The Sharps Waste shall be covered with at least six (6) inches of compacted Waste material within twenty-four (24) hours of Disposal.
  14. Physicians should provide information on proper Biomedical Waste and Sharps Waste Disposal to patients that are generators of Biomedical Waste.
- C. Biomedical Waste Treatment and Disposal.
1. Biomedical Waste (defined in ICC 8.08B.030) shall be treated prior to Disposal by one or more of the following methods:
    - a) Animal Waste: Incineration or other Treatment method approved in writing by the Health Officer.
    - b) Biosafety Level 4 Disease Waste: Treatment method approved in writing by the Health Officer.

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<sup>6A</sup> **Reviser's Note:** The word "be" is added as it was inadvertently omitted from Ordinance C-28-04.

- c) Cultures and Stocks: Steam Sterilization, Incineration or other Treatment method approved in writing by the Health Officer.
  - d) Human Blood and Blood Products: direct pour via a utility sink drain or toilet to an approved sewage Disposal system, Incineration or other Treatment method approved in writing by the Health Officer.
  - e) Pathological Waste: Steam Sterilization, Incineration or other Treatment method approved in writing by the Health Officer.
  - f) Sharps Waste: Steam Sterilization, Incineration, containment as defined in this chapter or other Treatment method approved in writing by the Health Officer.
2. Contingency Planning. Each Biomedical Waste Generator and Biomedical Waste Storage/Treatment operator must develop a contingency plan for the Treatment of Biomedical Waste. Provisions must be made for an alternate Treatment plan in the event of equipment breakdown with an incinerator, steam sterilizer, or other method approved in writing by the Health Officer, for treating the Waste prior to Disposal.
- D. Transfer of Biomedical Waste To Off-Site Treatment And Disposal Facilities.
- 1. Off-site Transfer. The transfer of Biomedical Waste to an off-site Treatment and/or Disposal Facility must be accomplished in compliance with WAC 480-70-550 and WAC 480-70-560.
  - 2. Reporting of Accidents. Each common or contract Biomedical Waste Transporter shall report to the Health Department (360-679-7350) as soon as possible, but in no event later than 12 hours after any leakage or spillage of Biomedical Waste which could endanger the public at the scene of an accident occurring within Island County.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

#### **8.08B.340 Waste Oil**

Used Oil shall be recycled or used as fuel in an approved Used Oil furnace as specified in WAC 173-303-515. These Wastes can be taken to an Island County Transfer Station/Recycle park or other approved Facility that collects Used Oil for subsequent reprocessing. Used Oil shall not be disposed onto or into the ground, sewer or sewage systems, storm drains, Surface Waters, or into the Waste stream. Used Oil collection Tanks shall be placed above ground on an impermeable platform with sides to prevent ground contamination in the event of spills and/or leaks from Tanks.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.350 Vehicle Batteries**

No Person may dispose of a Vehicle Battery except by delivery to: an authorized Person or entity selling lead acid batteries; or a Person or entity authorized by Ecology or the Health Department to accept batteries; or to a secondary lead smelter. Any Person who violates this section shall be subject to a penalty as described in section 70.95.610 RCW and ICC 8.08B.440.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.360 Outdoor and Indoor Open Burning**

The following material shall not be burned in any outdoor or indoor fire: Solid Waste, including Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, Treated Wood, Construction/Demolition Debris, metal or any substance other than natural vegetation.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.370 Junk Vehicles**

Junk Vehicles, as defined in ICC 8.08B.030, shall be subject to the conditions of ICC 8.08B unless the owner can provide sufficient evidence to the Health Officer that:

- A. The Vehicles, or parts thereof, are being actively reused,
- B. All fluids or parts that have a potential to Contaminate soil and/or Ground Water have been removed from the Vehicles and disposed of consistent with chapter 173-303 WAC, Dangerous waste regulations, and ICC 8.08B; and
- C. The Vehicles do not provide harborage for Vectors.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.380 Financial Assurance Requirements**

Waste Tires Storage Facilities regulated under ICC 8.08B.210, Moderate Risk Waste Facilities regulated under ICC 8.08B.220, and Limited Purpose Landfills regulated under ICC 8.08B.230 shall comply with the regulations in WAC 173-350-600.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.390 Corrective Action**

When the owner or operator of a Solid Waste Facility is subject to remedial measures in compliance with chapter 173-340 WAC, Model toxics control act – Cleanup, the roles of the Health Department and Ecology shall be as follows:



**A. The Health Department:**

1. May participate in all negotiations, meetings, and correspondence between the owner and operator and Ecology in implementing the model Toxics control action;
2. May comment upon and participate in all decisions made by Ecology in assessing, choosing, and implementing a remedial action program;
3. Shall require the owner or operator to continue Closure and post-Closure activities as appropriate under this chapter, after remedial action measures are completed; and
4. Shall continue to regulate all Solid Waste Facilities during construction, operation, Closure and post-Closure, that are not directly impacted by chapter 173-340 WAC.

**B. Ecology shall carry out all the responsibilities assigned to it by chapter 70.105D RCW, Hazardous waste cleanup -- Model Toxics Control Act.**

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.400 Administration**

The Island County Health Officer shall administer these rules and regulations under the supervision of the Island County Board of Health, section 70.95.160 RCW, and chapter 70.05 RCW.

All Solid Waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by Persons, which exist in equity, common law or other statutes to abate pollution or to abate a Nuisance.

If a conflict exists in the interpretation of chapter 173-350 WAC and these regulations, or in the interpretation of chapter 173-351 WAC and these regulations, the more stringent regulation shall apply to better protect public health and the environment.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.410 Public Hearing**

The Island County Board of Health has the authority to require a public hearing prior to the issuance of any Permit with or without variances.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.420 General Provisions**

General provisions shall be in accordance with Island County Code, chapter 8.01.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.430 Inspection of Premises**

- A. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has or is being committed, the Health Officer may, in accordance with federal and state law, seek entry of any building, structure, Facility, Premises, property or portion thereof at reasonable times to inspect the same.
- B. Prior to entering any building, structure, Facility, Premises, property or portion thereof, the Health Officer shall attempt to secure the consent of the owner, occupant or other Person having apparent charge or control of said building, structure, Premises, property or portion thereof.
  - 1. In attempting to contact the owner, occupier or other Persons having apparent control of said building, structure, Facility, Premises, property or portion thereof, the Health Officer may approach said building structure, or Premises by a recognizable access route leading to said building, structure, or Premises.
  - 2. If such building, structure, Facility, Premises, property or portion thereof is occupied, the Health Officer shall present identification credentials, state the reason for the inspection, and request entry.
  - 3. If permission to enter said building, structure, Facility, Premises, property or portion thereof is not obtained from the owner, occupier or other Persons having apparent control of said building, structure, Facility, Premises, property or portion thereof, the Health Officer may enter said building, structure, Facility, Premises, property or portion thereof only to the extent permitted by federal and state law.

(HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.440 Violations and Penalties**

- A. **Penalty.** It shall be unlawful and punishable with an Administrative Penalty for any Person to violate or refuse to or fail to comply with any of the provisions of this chapter.
    - 1. All violations of this chapter are hereby declared to be detrimental to the public health, safety and welfare and are hereby declared to be Public Nuisances. If the Health Officer has reason to believe that a violation of this chapter has occurred or is occurring, the Health Officer may cause verbal or written notice of violation to be served upon the alleged violator and the facts alleged to constitute a violation thereof.
- The Health Officer shall initiate enforcement action as herein provided and at the option of the Health Officer may commence any and all reasonable and lawful means to rectify a violation as provided by law.

2. The Health Officer may utilize any of the enforcement tools described below. The intent of solid waste enforcement is to gain compliance, not penalize. The enforcement action(s) taken will be based on the severity of the violation. The most appropriate enforcement tool(s) will be selected in order to successfully gain compliance.
  - a) Order immediate cessation of the alleged violation.
  - b) Order the abatement of the alleged violation and establish an abatement schedule to be met.
  - c) Seek judicial authorization to abate the violation or cause the violation to be abated if the abatement schedule established in Subsection (2)(b) of this Section is not met.
  - d) Assess an Administrative Penalty as follows:
    - (i) Improper Storage violations shall be penalized in the amount of \$250 per day.
    - (ii) Littering violations of ICC 8.08B.070 shall be penalized in the amount of \$500 per violation.
    - (iii) Minor Illegal Dumping violations of ICC 8.08B.070 shall be penalized in the amount of \$2,500 per violation.
    - (iv) Major Illegal Dumping violations of ICC 8.08B.070 shall be penalized in the amount of \$5,000 per violation.
    - (v) Abatement schedule violations shall be penalized in the amount of \$500 per day.
    - (vi) Solid Waste Handling Facility or Permit violations shall be penalized in the amount of \$1,000 per day.
  - e) Assess all costs incurred by the County associated with the violation including abatement costs, Disposal costs, site remediation costs, and sampling costs.
  - f) Order the remediation of any land or water where a Hazardous Substance or Solid Waste has been deposited.
  - g) Require evidence of proper Disposal of Solid Waste or Hazardous Substances involved in the violation such as receipts from Permitted Disposal Facilities.
  - h) In the case of a Permitted Solid Waste Facility, order the suspension or revocation of a Solid Waste Permit.
  - i) Assess an hourly fee of \$70 per labor hour for any of the following:

- (i) Health Department oversight and review required as a result of the Health Officer's determination that a Permitted Facility is not in compliance with its Permit and/or applicable regulations or has not met the compliance dates specified in a notice and order to correct a violation(s).
  - (ii) Amendments to an existing Health Department Permit required as a result of the Permitted Facility not being in compliance with its Permit and/or applicable regulations.
  - (iii) Inspections conducted by the Health Department in response to the Permittee not complying with their Permit or the Permittee not meeting the requirements outlined in a notice and order to correct a violation(s).
  - (iv) Investigation and inspections of regulated Solid Waste Handling activities and Facilities operating without a Permit when a Permit or a Permit exemption application has not been received by the Health Department.
- 3. Service of all notices, orders, Administrative Penalties, and assessed costs shall be in person or by certified mail to the alleged violator's and/or property owner's last known place of residence. Date of service shall be the date personally served or the date the certified mail was correctly deposited in the U.S. mail.
  - 4. All notices, orders, Administrative Penalties, or assessed costs issued shall include a copy of ICC 8.08B.460, Hearings and Appeals.
  - 5. If a Person continues to violate the provisions of this chapter after being duly informed in writing by the Health Officer that the Person is in violation of these provisions and that the Person shall cease and desist from such violations, the Health Officer may make a written request to the Prosecuting Attorney to bring injunctive action against a violator of this chapter in order to prevent further violation until such time as the violator's case is processed in the courts through and including any appeals.
  - 6. Each violation of this chapter shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.
  - 7. Adjudication of a violation shall not excuse the violation or allow the continuation of the violation.
  - 8. Administrative Penalties and/or assessed costs shall become due and payable within thirty (30) days of the Health Officer's service of the Administrative Penalty and assessed costs. All Administrative Penalties collected pursuant to this regulation shall be deposited in the Island County Health Department, Environmental Health Section expense fund. If the Administrative Penalty and/or assessed costs is not paid within

thirty (30) days to the Island County Health Department, the County shall have the right to collect the Administrative Penalty and/or assessed costs through appropriate legal action, to include charging the costs as a lien against the property as detailed in ICC 8.08B.450, Public Health and Safety Liens. The Prosecuting Attorney may bring action to recover such Administrative Penalty, assessed costs, plus court costs in the court of appropriate jurisdiction.

- B. Enforcement Authority. The Island County Health Officer, the Health Services Director, the Environmental Health Director, and Island County Sheriff or his deputies are enforcement officers within the meaning of chapter 7.80 RCW and this chapter.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

### **8.08B.450 Public Health and Safety Liens**

In addition to any other remedy provided herein or by law, the Health Officer may require any Person, who creates or maintains a violation of any Solid Waste regulation, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. The cost thereof will be charged as a public health and safety lien against the property and as a joint and separate Personal obligation of each Person who is in violation. A separate judgment lien may be claimed by the Health Officer in the Island County Superior Court for the Administrative Penalties and other costs associated with the violation.

- A. Lien Authorized. The Health Officer may seek authorization from the Board of Island County Commissioners to have a lien, authorized under section 36.32.120(10) RCW, for the cost of abatement work, and/or its administrative costs conducted pursuant to this chapter, against the real property on which the abatement work was performed. The Health Officer may also seek authorization for a separate judgment lien for the Administrative Penalties in the Island County Superior Court.
- B. Liens and Personal Obligation Authorized. The cost of abatement and/or administrative costs are also joint and separate personal obligations of any Person in violation of this chapter.
- C. Notice Lien May Be Claimed. The notice and order of the Health Officer pursuant to this chapter shall give notice to the owner that a lien for the cost of abatement, and/or administrative costs may be claimed by the Health Department. The notice and order of the Health Officer shall also give notice to the owner that a separate judgment lien for Administrative Penalties may also be claimed by the Health Officer in Island County Superior Court.

- D. Priority. The public health and safety lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity.
- E. Claim of Lien. The Health Officer may cause a claim of lien to be filed for record with the Island County Auditor.
1. Contents. The claim of lien shall include the following:
    - a) The authority for imposing costs to abate the violation;
    - b) A brief description of the abatement work done, including the time the work was commenced and completed and the name of the persons or organizations performing the work;
    - c) A legal description of the property to be charged with the lien;
    - d) The name of the known or reputed Owner; and
    - e) The amount, including lawful and reasonable costs, for which the lien is claimed.
  2. Verification. The Health Officer or her/his authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.
  3. Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment.
  4. Recording. The Island County Auditor shall record the claim of lien described in this chapter.
  5. Foreclosure: The lien may be foreclosed by a civil action in Island County Superior Court. A judgment lien for any Administrative Penalties associated with the abatement may also be foreclosed by a civil action in Island County Superior Court.
    - a) Joinder. All Persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.
    - b) Actions Saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.460 Hearings and Appeals**

- A. Persons aggrieved by a notice of violation, order of unfit for use or other order, Administrative Penalty, or assessed costs issued pursuant to this chapter may request a hearing with the Health Officer for the purpose of disputing or requesting a stay or modification of such notice, order, Administrative Penalty, or assessed costs.
- B. A request for hearing before the Health Officer shall be made in writing and served to the Health Officer within ten (10) working days of the serving of the Health Officer's notice, order, Administrative Penalty, or assessed costs. The request shall be made by fully completing and submitting a request for hearing form supplied by the Health Officer.
- C. The Health Officer shall hold a hearing not less than twenty (20) days nor more than thirty (30) days from the serving of the notice, order, Administrative Penalty, or assessed costs unless an alternative date for the hearing is mutually agreed upon in writing by the Health Officer and requestor.
- D. Notice of the hearing shall be given to the requester and the property owner, if different from the requester, via personal service at least three (3) days prior to the hearing date or via certified mail at least ten (10) days prior to the hearing date.
- E. Upon holding the hearing requested, the Health Officer shall provide written notice of his or her decision regarding the order, Administrative Penalty, or assessed costs within ten (10) days of the hearing. Notice shall be served personally or via certified mail to the requester and property owner.
- F. Person(s) aggrieved by the Health Officer may appeal to the Board of Health pursuant to the appeals procedure under ICC 8.01.120.
- G. The filing of a request for hearing or appeal pursuant to this Section shall operate as a stay from the requirement to perform corrective action ordered by the Health Officer, except there shall be no stay from the requirement for immediate compliance with an emergency order issued by the Health Officer, or from the requirement for compliance with an order of immediate cessation of work or activity, or from the requirements of an unfit for use order prohibiting the use, occupancy, or the moving of any property.

(HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.470 Settlement of Disputes for Collection of Administrative Penalties.**

The Health Officer may enter into negotiations with a party named in a dispute under this chapter and/or their legal representatives for the purposes of negotiating a settlement to such a dispute. This negotiation shall be in the best interests of the County and protection of public health and the environment and may include a compromise regarding the collection of Administrative Penalties. If the party named in a dispute is not engaged in good faith and remediating the public

health violation, then the Health Department reserves all rights to impose any and all applicable penalties.

(HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.480 Other Powers Reserved-Alternative Remedies and Emergency Orders.**

Nothing in this chapter shall limit the authority for the Health Department or the Health Officer to act under any other legal authority. The powers conferred by this chapter shall be in addition to and supplemental to the powers conferred by any other law. If the Health Officer determines immediate action is necessary to protect the public health and safety or the environment, such action may be taken or be ordered to be taken and any Person to whom such an order is directed shall comply immediately.

(HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.490 Imminent Hazard**

Notwithstanding any provisions of these rules and regulations, the Health Officer may take immediate action as necessary to prevent or abate an imminent and substantial danger to the public health resulting from the improper management of any Waste.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

**8.08B.500 Severability**

Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

(Ord. C-28-04, March 15, 2004, effective June 21, 2004, Ord. C-61-04; amended by HD-14-10 [Ord. 80-10], October 18, 2010)

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